40334

National Library of Canada / Bibliothèque nationale du Canada

CANADIAN THESES ON MICROFICHE / THÈSES CANADIENNES SUR MICROFICHE

NAME OF AUTHOR/*NOM DE L'AUTEUR* GLEN TONER

TITLE OF THESIS/*TITRE DE LA THÈSE* CONSTITUTIONAL DEVELOPMENT IN THE YUKON

UNIVERSITY/*UNIVERSITÉ* ALBERTA

DEGREE FOR WHICH THESIS WAS PRESENTED/ *GRADE POUR LEQUEL CETTE THÈSE FUT PRÉSENTÉE* M.A.

YEAR THIS DEGREE CONFERRED/*ANNÉE D'OBTENTION DE CE GRADE* 1978

NAME OF SUPERVISOR/*NOM DU DIRECTEUR DE THÈSE* GURSTON DACKS

Permission is hereby granted to the NATIONAL LIBRARY OF CANADA to microfilm this thesis and to lend or sell copies of the film.

The author reserves other publication rights, and neither the thesis nor extensive extracts from it may be printed or otherwise reproduced without the author's written permission.

L'autorisation est, par la présente, accordée à la BIBLIOTHÈQUE NATIONALE DU CANADA de microfilmer cette thèse et de prêter ou de vendre des exemplaires du film.

L'auteur se réserve les autres droits de publication; ni la thèse ni de longs extraits de celle-ci ne doivent être imprimés ou autrement reproduits sans l'autorisation écrite de l'auteur.

DATED/*DATÉ* Oct. 13/78 SIGNED/*SIGNÉ* G Toner

PERMANENT ADDRESS/*RÉSIDENCE FIXÉ*

Box 544

Devon, Alberta

NL-91 (3-74)

National Library of Canada

Cataloguing Branch
Canadian Theses Division

Ottawa, Canada
K1A 0N4

Bibliothèque nationale du Canada

Direction du catalogage
Division des thèses canadiennes

NOTICE

The quality of this microfiche is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us a poor photocopy.

Previously copyrighted materials (journal articles, published tests, etc.) are not filmed.

Reproduction in full or in part of this film is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30. Please read the authorization forms which accompany this thesis.

THIS DISSERTATION
HAS BEEN MICROFILMED
EXACTLY AS RECEIVED

AVIS

La qualité de cette microfiche dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de mauvaise qualité.

Les documents qui font déjà l'objet d'un droit d'auteur (articles de revue, examens publiés, etc.) ne sont pas microfilmés.

La reproduction, même partielle, de ce microfilm est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30. Veuillez prendre connaissance des formules d'autorisation qui accompagnent cette thèse.

LA THÈSE A ÉTÉ
MICROFILMÉE TELLE QUE
NOUS L'AVONS REÇUE

THE UNIVERSITY OF ALBERTA

"Constitutional Development In The Yukon"

by

© Glen B. Toner

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE

OF MASTER OF ARTS.

DEPARTMENT OF POLITICAL SCIENCE

EDMONTON, ALBERTA

Fall, 1978

THE UNIVERSITY OF ALBERTA

FACULTY OF GRADUATE STUDIES AND RESEARCH

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research, for acceptance, a thesis entitled "Constitutional Development in the Yukon"

submitted by Glen Toner

in partial fulfilment of the requirements for the degree of Master of Arts

Gunston Cooke

Supervisor

Alan Tupper

C. J. MacKinnon

October 12, 1978

Date

THIS WORK IS DEDICATED TO

MY FATHER, B.G. TONER

AND TO THE LATE HUGH CARR

ABSTRACT

The Yukon is presently experiencing a period of rapid change. Externally imposed economic change - the decision by the Canadian and American Governments to approve construction of the Alaska Highway Pipeline through the Southern Yukon, and internally generated social change - the politicization of Yukon Indians and the organization of Territorial politics along traditional party lines, are combining to provide a new urgency to unanswered political questions. For example there has developed increased pressure for settlement of the land claim which has intensified the 'form of government' debate. There is a general consensus even across the major ethnic schism that exists in the Yukon that the time is ripe for a change in the statutory structures that govern the Yukon. That is where the agreement ends however. There is considerable dispute regarding what 'form of government' should be adopted in the Yukon and whether provincial status should be the immediate result of constitutional change. The Yukon is a Territory, as such the Federal Government has the final say in the type of constitutional development that takes place. Ottawa has made it clear that until political development increases there will be no further constitutional development.

This work utilizes established theoretical propositions to develop a model of political development which it operationalizes in order to determine the present level of political development in the Yukon. The thesis then employs this finding in concert with the

model variables to systematically assess the 'form of government' options for constitutional change which are being proposed by the three main actors involved; the Yukon Territorial Government, Yukon Indians and the Federal Government. A close evaluation of the documents of each of the actors as well as extensive personal interviewing were undertaken to determine the positions of each of the actors on constitutional development and to aid in the assessment of the level of political development in the Yukon today. This assessment takes place in Chapter Two and concludes that the Yukon has a relatively low level of political development. Given this factor and the woeful inadequacies displayed by the one-government options of the YTG and the Federal Government and the two-government proposal of Yukon Indians when tested according to the variables of the development model, the study goes on to propose a new 'form of government' option which should be considered when debating constitutional change for the Yukon.

Unlike the one and two-government systems, the new proposal, styled the two-government plus system, distinguishes between political development and constitutional development and indeed utilizes constitutional change to promote political development. The two-government plus system provides both societies in the Yukon with the maximum possible amount of independence, for instance the freedom to determine the style and nature of the mechanisms for governing and administering their own lands and jurisdictions - as gained through the land claim in the case of Yukon Indians, and through ongoing negotiations with Ottawa in the case of the Territorial Government -while responding to the interdependent nature of the Yukon by

providing a joint-authority to decide issues of concern to both societies.

ACKNOWLEDGEMENTS

I would like to thank Professor Gurston Dacks for his patience and supervision throughout this project. I would also like to thank Professors Tupper of Political Science and McKinnon of History at the University of Alberta for their helpful comments and criticisms. I gratefully acknowledge the financial assistance of the Boreal Institute for Northern Studies at the University of Alberta, whose research grant made it possible for me to engage in the in-depth interviewing that took place in Whitehorse and Ottawa in the Spring of 1978. Finally, I would like to thank the many individuals who agreed to be interviewed and who shared with me in a most candid fashion their views on the past, present and future of the Yukon.

TABLE OF CONTENTS

CHAPTER		PAGE
I.	INTRODUCTION, METHODOLOGY AND THEORETICAL FRAMEWORK	1
	Introduction	1
	Research Methodology	6
	Theoretical Framework	8
	A. Political Culture	10
	B. Political Identity and Legitimacy	13
	C. Political Communication	15
	D. Integration	16
II.	AN ASSESSMENT OF THE LEVEL OF POLITICAL DEVELOPMENT IN THE YUKON IN 1978	18
	Introduction	19
	A. Political Culture	20
	B. Political Communication	30
	C. Political Identity - Legitimacy	37
	D. Integration	49
	General Summary	55
	General Conclusion	56

III. THE POSITIONS OF EACH OF THE ACTORS ON CONSTITUTIONAL CHANGE..... 57

Introduction..... 58

A. The Position of the Yukon Territorial Government..... 58

B. The Position of Yukon Indians..... 65

C. The Position of the Federal Government..... 70

IV. AN ASSESSMENT OF THE VARIOUS INSTITUTIONAL OPTIONS.... 77

Introduction..... 78

I. An Assessment of the One Government System 80

II. An Assessment of the Two-Government System 91

III. A Modified Two-Government System..... 98

The Two-Government Plus System..... 101

General Conclusion..... 108

V. CONCLUDING OBSERVATIONS..... 110

* * * *

Footnotes..... 115

Selected Bibliography..... 131

CHAPTER ONE

INTRODUCTION,

METHODOLOGY AND THEORETICAL FRAMEWORK

Introduction

It is the purpose of this thesis to develop a model of political development, utilizing a series of variables which together provide a meaningful statement of political development. This model of political development will be applied to the Yukon Territory in order to systematically analyse some of the possible options for constitutional change which the Yukon now faces.

In mid-1978 the Yukon had as estimated 22,000 residents. Of that total about 7,000 are of Indian extraction.[1] In 1977 the Territorial and Federal Governments were the largest employers in the Yukon with 2,256 and 1,724 employees respectively.[2] Combined the two governments accounted for roughly 45% of all expenditures in the Yukon in 1974.[3] The largest employer in the private sector is the mining industry which in March of 1977 employed 1,100 people.[4] The mining industry also accounted for 40% of income in the Yukon's Gross Domestic Product (GDP) in 1974, while Tourism accounted for about 10% and Services and Retail Trade for about 15%.[5]

The Yukon Act which outlines the relationship between the two levels of government is a Federal Statute. As such the Federal Government has the power to alter the Yukon Act at will, expanding or reducing Territorial Government powers as it sees fit. The Federal Government appoints a Commissioner to govern and administer the Yukon. The Commissioner is required by the Yukon Act to follow such instructions as the Minister of Indian Affairs and Northern Development (I.A.N.D.) or the Federal Cabinet may give from time to time. An Executive

Committee was established under the terms of a Ministerial Directive in 1970. At present, it consists of the Commissioner as Chairman, the Deputy Commissioner (appointed) and four members of the Yukon Territorial Council, who are nominated by their fellow Councillors and appointed by the Commissioner. After the November 1978 Territorial Election the Territorial Council will consist of 16 members. While individual Members of the Council may introduce legislation, most legislation is introduced by the Executive Committee. The Commissioner has the power to veto Territorial Council legislation. The Territorial Government has established a Committee system roughly analagous to that utilized in the provinces. The Territorial Council does not control its own budget, rather it is negotiated yearly within the Department of Indian Affairs and Northern Development. Unlike the provinces the Yukon Territory does not have its own Attorney-General, rather the Federal Attorney-General acts for the Yukon. With the exception of a very minor part which has been transferred to the Yukon Territorial Government (YTG), public land in the Yukon is controlled by the Federal Government. In addition the Federal Government has retained control over non-renewable and renewable resources, with the exception of game which has been transferred to the YTG.

The Yukon is today undergoing major economic, social and political change. On the political front, conflicts between Yukon Indian Organizations and the YTG are common. For instance in early 1978 the Yukon Native Brotherhood (YNB) vetoed the transfer of native health care from the Federal Government to the YTG, charging that the YTG was generally immature, and particularly irresponsible in its attitude

towards Indian needs.[6] Recently there have been a number of constitutional disputes between the YTG and the Federal Government. For instance in late 1977 the Commissioner, at the behest of the Minister of I.A.N.D., vetoed a YTG bill to initiate an inquiry under the Public Inquiries Ordinance on the grounds that the YTG was usurping the power of the Commissioner.[7] The Federal Government also refused to allow the Territorial Council to officially change its name to Legislative Assembly and call its Councillors Members of the Legislative Assembly, on the grounds that such a move would have required an amendment to the Yukon Act and therefore was beyond the power of the Territorial Council.[8] The Indian Organization-YTG disputes have served to increase racial tension in the Territory and the Ottawa-YTG disputes have intensified the general aura of dissatisfaction with Ottawa among the majority of white Yukoners.

The settlement of the Yukon Indian Land Claim is perhaps the major political issue in the Yukon today. Yukon Indians see a just and fair land claim settlement as their last chance to gain the resources and autonomy necessary to maintain their existence as a people. It is not simply a land and money deal however. It must, in the Indians' opinion, decide the political structures which will determine the Indian people's future role in the Yukon society. White sentiment toward the land claim ranges from outright hostility to the entire concept, through categorization as a necessary evil which should be settled as quickly as possible so that developments can carry on, to quiet support. Subscribers to the first two sentiments are frustrated by what they feel are excessively lengthy negotiations. A good

example of this frustration concerns land. The Federal Government has put a freeze on land transfers to the Territorial Government pending the land claim settlement. This has served to frustrate the expansionary plans of the YTG and many white Yukoners.[9]

While mining remains the major industrial activity, the key economic development of 1977 was the approval by the Canadian and American governments of the construction of a 48 inch natural gas pipeline along the Alaska Highway through the Southern Yukon. It became obvious during the Alaska Highway Pipeline Inquiry that Yukoners do not have a unanimous opinion regarding the pipeline project. There are those, led by the Yukon business community, who very strongly support the pipeline. Local business interests see the pipeline as a godsend particularly in light of the recent shut down of the Cassiar Asbestos mining operation at Clinton Creek. Cassiar Asbestos was the second largest employer in the mining industry in 1976-77.[10] Yukon businessmen are well aware of the vulnerability of an economy based on a single industry. They are vitally concerned with the expansion of the Yukon's economic base and therefore are strong supporters of projects like the pipeline--which even though they may be of short term duration themselves are, hopefully, in the eyes of the business community, harbingers of even greater industrialization. On the other hand there are those whites who oppose the line for fear of the impact that the onslaught of development will have on their communities and way of life. However the most consistent and vehement opposition to the pipeline project has come from Yukon Indians who have stated their position clearly, "no pipeline until the land claim is settled and im-

plemented." Quite clearly the pipeline has brought many of the cleavages to the surface in the Yukon.

Another major political issue in the Yukon within the last year has been the possibility of constitutional change for the Yukon. Highlighting the support for change in the direction of early provincial status was the December 1977 Report of the YTG's Standing Committee on Constitutional Development which recommended the adoption of a new "Yukon Act" and the creation of the Province of Yukon.[11] However strong opposition to provincial status as a form of change was expressed in Prime Minister Trudeau's announcement in August 1977 that it is unlikely that the Yukon will achieve provincial status within "our lifetime."[12] Further, in April 1978 the Council For Yukon Indians (CYI) proposed the establishment of a two-government system in the Yukon as part of the land claim settlement.[13] The Indians and the YTG agree that the land claim and constitutional development are inseparable. While the YTG argues that there can be no land claim if it does not further, that is remove an obstacle to, provincial status, the Indians insist that there can be no further constitutional development until Indian political rights have been determined, and enshrined in legislation - the land claim settlement legislation. It should be pointed out that although proponents of provincial status equate provincial status with a traditional one-government system this need not be so. Greater responsible government, but short of provincial status, could be granted to a one-government system and provincial status could conceivably be granted to a two-government system. The approval of the pipeline project has increased pressure for a land claim

settlement thereby intensifying debate on the form of government question. And logically, if one considers political development to be important, the form of government question should be decided before provincial status is considered.

The next few years would appear to be a major watershed in the Yukon's development. How the many difficult issues presently facing the Yukon are resolved will likely determine the direction of political and economic development into the next century. In spite of the high level of dissatisfaction with the present institutions there are major disagreements among the three main political actors[14] regarding the governmental institutions which should replace the present territorial structure and lead the Yukon into the next century. This situation suggests the need for a systematic analysis of alternative future governmental institutions in the Yukon.

Research Methodology

The thesis research was comprised of library research and extensive personal interviewing designed to obtain views from the respondents concerning the extent of the development variables as they exist in the Yukon today. The library research included the coverage of the last three years Whitehorse Star and the Yukon Indian News. Public, and some confidential, statements and documents of each of the three political actors regarding the land claim, the pipeline, and constitutional development were analysed. In addition the documents of other individuals and bodies interested in the Yukon were reviewed. These include the final report of the Alaska Highway Pipeline Inquiry,

and John Hillson's thesis Constitutional Development in the Yukon, 1960-70.[15]

The thesis research included two research trips to the Yukon, July 1977 and April 1978, and two research trips to Ottawa, November 1977 and May 1978. While in the Yukon I engaged in personal interviews with leading political figures and senior officials in the YTG and the Yukon Indian organizations. I interviewed Federal civil servants, including the Commissioner. I secured an interview with the Federal Member of Parliament for the Yukon. I also interviewed in a structured fashion a group I will refer to as 'informed political observers'. This diverse group included people in the media, the professions and business, all of whom have a keen interest in Yukon politics.

Yukon respondents included representatives of all the major political interests in the Yukon. While each of these respondents was clearly self-interested his/her views were subjected to cross verification from other sources. The 'informed political observers' were identified as politically relevant by other knowledgeable Yukoners.

While in Ottawa I interviewed officials of the Department of Indian Affairs and Northern Development and officials in the Minister's Office and in the Office of Native Claims. I also spoke with officials of the Nation Indian Brotherhood and the Canadian Arctic Resources Committee.

Theoretical Framework

The Yukon's political future is unfolding in the context of the Canadian federal state and its pervasive liberal-democratic ideology. The Federal Government has the final say in the type of constitutional change that takes place in the Yukon. As will be outlined in the segment on the Federal Government in Chapter Three, Ottawa has made it clear that until political development increases there will be no further constitutional change. For the purposes of this thesis political development will be seen to be the ability of the citizens to solve conflicts peacefully, make binding collective decisions without excessive delay, define collective goals and feel some form of mutual identification despite their differences.[16] Political development is particularily important now, because the inability to make effective binding decisions will harm the Yukon at a time when effective, decisive, decision-making is necessary.

This thesis does not attempt to compare and contrast competing schools of thought on political development. Rather it makes explicit use of established theoretical propositions to investigate the issue of constitutional development in an established political system. To illuminate this case the thesis will develop a theoretical model of political development. The variables which comprise the development model were found to be the most useful in examining the level of political development in the Yukon today. Because of their utility in considering the level of political development in analagous situations elsewhere, they are useful in determining the context which will allow

political development to take place. The variables of the development model are: political culture; political identity-legitimacy; political communication, and; integration.

For a political system to be successful its constitutional structures must be appropriate to the level of political development. In order to determine if the constitutional structures are appropriate, it is essential to first determine the level of political development. The extent to which the variables of the political development model exist or do not exist, will determine the kind of institutions that are necessary. This assessment of the present level of political development in the Yukon takes place in Chapter Two. Chapter Three outlines the position of each of the three actors on constitutional change.

While an appreciation of the individual level of each of the development variables and of their collective result, the level of political development, is essential to understanding which of the proposed institutional options or what mix of the proposed options or what new structure would be most appropriate for the present reality, it is also important to note that a viable governmental structure must also be a tool for accomplishing further political development. Accordingly it will contribute to the growth of political development according to the extent to which it provides the opportunity for the maximization of the variables. Chapter Four will utilize these two principles to assess the institutional options the Yukon now faces.

In summary, this thesis will apply the variables of the development model to the Yukon in order to assess the level of political development in the Yukon in 1978. It will then utilize

this assessment of the level of political development to consider the central question of this thesis: what are some possible future directions of constitutional evolution in the Yukon and what are the implications of each of these directions?

A. Political Culture

A society's political culture is the set of beliefs, attitudes and sentiments (they are so fundamental that they are implicit and generally taken for granted in the psychological orientations of individuals towards politics) which give order and meaning to a political process and which provide the underlying assumptions and rules that govern behaviour in the political system.[17]

> A political culture is an integral aspect of more general culture, the set of political beliefs a person holds being of course part of the totality of beliefs he holds. Furthermore the basic belief and value patterns of a culture - those general values that have no reference to specific political objects - usually play a major role in the structuring of a political culture. Such basic belief dimensions as the view of mans relation to nature, as time perspective, as the view of human nature and of the proper way to orient oneself to other people, as well as orientations toward activity and and activism in general would be clearly interdependent with specifically political attitudes.[18]

It has been found that most stable political systems tend to have relatively pervasive political cultures within which there is a general agreement about the proper limits and functions of politics.[19] The various agents of political socialization, ranging

from the family, the school, and the articulations of politicians themselves, tend to reinforce each other or at least appear to belong to the same dialogue about what should be the meaning, the means and the ends of political action.[20] The importance of a single coherent political culture for the orderly development of a polity is expressed bluntly by Sidney Verba:

> Unless the individuals who are physically and legally members of a political system (that is, who live within its boundaries and are subject to its laws) are also psychologically members of that system (that is, feel themselves to be members) orderly patterns of change are unlikely.[21]

The study of political culture leads invariably to the study of political socialization. Political socialization is the process by which the fundamental attitudes, beliefs and values of a society are passed down through generations. Political cultures are learned through two processes of socialization. The first is through experience in non-political situations that have an impact on attitudes toward political objects. These experiences may either happen in pre-adult experiences with family, school or peer group or in adult extra-political experiences, and; second through experiences with the operation of the political process. This includes contact with political and governmental figures, communications about politics or reports on the experiences of others. "Thus a political culture is the product of both the collective history of a political system and the life histories of the members of that system, and thus is rooted equally in public events and private experiences."[22]

It is important to know how and by whom the deeply rooted psychological orientations are primarily taught in a polity. Understanding the relative importance of the various agents in the political socialization process not only suggests certain things about the level of political development in the society but also comments on what basic assumptions are being taught. For instance how prominent a role do secondary system-wide structures, such as the school system, play compared to primary structures such as the family? This is important in determining the strength of the political culture of the general political system of a polity, versus the strength of the political cultures of sub-groups within the society. An example would be the relative strength of the individual's sense of obligation to and proper level of activity in the general political system versus the sub-group to which he belongs.

While there are a number of important beliefs in a political culture which are passed on through the political socialization process, Sidney Verba and Lucien Pye are in agreement that perhaps the most crucial political belief is that of political identity:

> The first and most crucial problem that must be solved in the formation of a political culture, if it is to be capable of supporting a stable yet adaptable political system is that of national (provincial) identity... identity and legitimacy are the 'key elements' of the political culture for they determine how people come to understand politics, how they view authority, what they feel is the proper and right role of government and what is to be the character and intensity of their loyalties to the particular system.[23]

B. Political Identity and Legitimacy

Political identity is considered a key element of a political culture because it provides a basic sense of unity for a polity, and in a sense, fills the physical space with a coherent society thereby creating the foundations for support of the government structure. If, as Verba contends...:

> ...the development of a clear and unambiguous sense of identity is more than a facilitating factor in the creation of a 'province'; it may be in some sense the major constituting factor of a new 'province'. Thus 'province' building - the creation of a set of political structures called a 'province' - proceeds very often by the institutionalization of commitment to common political symbols.[24]

...then one wonders what happens if, in a polity, there is a paucity of commitment to common political symbols. Pye argues that when a state cannot perform as a fully effective national (or provincial or territorial) unit because significant elements of the population hold higher allegiances to subnational groupings, there is an identity crisis. An identity crisis arises when the 'state' functions of a polity cannot be satisfactorily carried out because they are not supported by a full sense of "community." "The common problem, of course, has been with the clash between majority and minority groups and the difficulty of having all elements feel that the state belongs equally to everyone."[25]

In order for a political system to function effectively without exercising an undue amount of coercion its governmental structures and leaders must be viewed as legitimate by the people. If people identify with the state they will likely consider the state

structures and processes legitimate. If there is a breakdown in the constitutional structure and performance of government, or a challenge to the most generalized claims of leadership of those in authority that arises out of differences over the proper nature of authority for a system there is said to be a legitimacy crisis. Lucien Pye suggests two reasons why a legitimacy crisis may result:

> ...a breakdown of governmental institutions that occurs because of conflicting or inadequate basis for claiming authority in a society...(occurs when)...governmental leaders, often faced with a critical need for greater state power and capacity, are unable to find a popularily acceptable rationale for the expanded authority or they discover that the assertion of claims for the legitimacy of the new state authorities conflict with other authorities in the society.
>
> ...a legitimacy crisis may arise because people have been inappropriately socialized and their feelings about authority are not functional for the efforts of the current leaders.[26]

Legitimacy crises are often the result of ethnic cleavages, particularly in economically underdeveloped or developing polities where class is not yet the predominant stratification. Because of this, governing elites view the demands of subgroups for control over their own territory or corporate forms of representation with considerable alarm. The governing elites would likely argue that these accommodations are contrary to the principles of national (provincial) equality and national (provincial) identity, and that decentralization will erode both national (provincial) power and national (provincial) loyalty.[27]

C. Political Communication

The political communications process in a polity provides the essential basis for rationality in politics. People can only debate their collective actions if they share a common fund of knowledge and information. "Only if they have some appreciation of the information available to others on the state of affairs can people decide on the wisdom and validity of the reasoning behind the actions of their leaders."[18]

Second, the communications process provides a basis for limiting and making explicit the society's rules of political causality, and for defining for both leaders and citizens the same sense of the plausible. In providing this function the communications process acts as an agent of political socialization passing on dimensions of a society's political culture. For example, a communications process informs the members of a community (to an important degree) about the extent to which they can and should legitimately question the motives and intentions of their leaders.

A modern communications system consists of a fusion of high technology and special professionalized processes of communications, with informal, society-based, and non-specialized processes of person-to-person communications. By being capable of transmitting a massive flow of uniform messages to a wide audience, a modern communications system should facilitate the existence of a generally accepted political vocabulary. However, if a society has a bifurcated or fragmented political culture and the communications system does not penetrate each segment of the society to the same degree then a likely

result will be the existence of separate political vocabularies and a corresponding incoherence of political communication between sectors of the society.

D. Integration

Integration presupposes differentiation in a society. Any assessment of integration requires an understanding of the nature and extent of the differentiation. Political integration is a function of the co-ordination of activities and attitudes in a polity. That is, integration is the extent to which the attitudes and activities of the members of a polity are co-ordinated so as to overcome the divergences among themselves and promote the effective operation of the polity.[29]

Integration is a relative concept. For instance, a polity which is internally highly divided yet relatively successful, needs mechanisms and behaviours which foster integration more than a less divided society.[30]

An emphasis on co-ordination and cooperation rather than coercion is fundamental to the concept of integration. Members of the polity must be willing to subordinate their narrow interests to those of the group. There must be some measure of community, for the co-ordination which is the essense of integration to occur. In the final analysis, "integration is the extent to which integrative factors, whatever their nature, counter the divisive effects, whatever they may be, of social structure."[31]

It should be pointed out that there are many dimensions of integration in most liberal-democratic states. While a system may be

integrated on one level, such as linguistic, it may not be integrated along another dimension, such as ethnic. It is also important to remember that integration is a continuum and not a dichotomous variable. There can be as many different degrees of integration as there are polities. Also, "integration can refer to the ongoing process of integration or to the current state of that process at any point in time, that is to the 'level' of integration."[32]

CHAPTER TWO

AN ASSESSMENT OF THE LEVEL OF POLITICAL DEVELOPMENT IN THE YUKON IN 1978

Introduction

An appreciation of the individual level of each of the developmental variables and of their collective result, the level of political development, is essential for understanding which of the proposed institutional options or what mix of the proposed institutional options or what new option would be most appropriate for the present reality in the Yukon.

It is the goal of this chapter to provide this assessment of the overall level of political development in the Yukon today. This general assessment will be arrived at by determining the individual level of the model variables. In order to provide consistency in the systematic analysis of the level of specific variables and to facilitate the determination of an overall level, specific variables will be measured according to the following scale:

- extremely high
- relatively high
- neutral
- relatively low
- extremely low

It is important to note that the judgement involved in measuring the levels of the variables is qualitative and not quantitative. The measurement of these types of concepts is not easily quantifiable but rather impressionistic and common-sensical. Moreover, the variable, political culture, cannot be measured even in a qualitative sense, for while political cultures can be described in terms of their strengths and weaknesses in terms of political development, they cannot be scaled as high or low.

A. POLITICAL CULTURE

Introduction

A political culture was described in Chapter I as:

> that set of beliefs, attitudes and sentiments (fundamental psychological orientations of individuals towards politics) which gives order and meaning to the political process and which provide the underlying assumptions and rules that govern behaviour in the political system.[33]

It was also noted that "the basic belief and value patterns of a culture, those general values that have no specific reference to political objects - usually play a major role in the structuring of a political culture."[34] An understanding of Yukon political culture must recognize the importance of subcultures, which in the Yukon are a reflection of social structure. Although there are some poor whites in the Yukon, in addition to a well organized white trade union movement, and despite the fact that some native people have done 'quite well' in recent years, the majority of native people have not and consequently an ethnic based class system has emerged. The main split in orientation is between the two major ethnic groups, with ethnicity, at present, being a stronger motivating factor than class. While neither society - Indian or white - is entirely homogeneous, they are separate enough in their world views to constitute two distinct societies. It is essential to test if this is also the case in regard to political culture(s). A useful technique for identifying basic tenets of political cultures is to identify the basic belief dimensions of the larger cultures from which they derive. This can

best be done by juxtaposing such fundamental value dimensions as the view of man's relationship to nature, of human nature, and of the proper way to orient oneself to other people.

White Society

The mainstream white culture is the predominant perspective in the Yukon today. This cultural group includes the established business interests, most of the members of the Territorial Council and many other white Yukoners. This predominant cultural group will be termed the "small 'c' conservatives", as the philosophical orientation which best seems to approximate their attitude is that of conservatism. (Also, this is how they were labelled by other Yukon residents). The cultural traits of this majority white group are not shared by all whites however. Conservationists and "bush whites" reject most of their orientations out of hand. The division of cultural values within the white society became polarized during the inquiry into the Alaska Highway Pipeline Project. Members of the mainstream white group were emphatic in their support of the project, some to such an extreme that they wanted construction to start 'tomorrow' without any concern for impacts, regulations or inquiries.

The minority group of conservationists and bush whites tended to emphasize, in their submission to the Lysyk Inquiry, a different set of values, stressing the importance of access to wilderness, and the need for: "increased reliance on renewable resources, the decentralization of government, and an emphasis on human values in any development." This group opposed the pipeline largely because of what it symbolizes: "the lack of any long range

development plan for the Yukon and the assumption that the North can continue to serve as southern Canada's industrial frontier."[35] Other whites, perhaps mainly in the transient federal civil service and the professions, do not share many of the predominant white groups' fundamental assumptions regarding human nature and man's relationship with the land, and indeed among the small 'c' conservative group itself, these values are held with varying degrees of commitment. Nevertheless, the general philosophical orientation to be outlined is subscribed to by the majority of the main economic and political force in the Yukon today.

Fundamental Assumptions about Human Nature

This group has an essentially individualistic conception of society. They do not recognize the corporate model of social organization, particularly where the corporatism is based on ethnicity. This mentality sees human nature as being essentially competitive; consequently they are oriented towards power in relationships.

This confrontation orientation manifests itself in ethnocentrism and intolerance. This group seems unable to conceive of lifestyles and value systems which are significantly different from their own. Because they do not think in terms of value systems, they focus on behaviour differences. Consequently, while they perceive the behaviour of Indians, bush whites and conservationists as different, they do not perceive of it as a value difference. Consequently, they are intolerant of alternative lifestyles and of those who oppose their position.[36]

This group tends to be quite parochial. They resent well-educated city bred people who come in from 'outside' and demand or agitate for substantial qualitative change. They display a disdain for 'outsiders' who care to contribute to discussions and decisions regarding the future of the Yukon.[37] Members of this small 'c' group exhibit a strong commitment to the work ethic and tend to be materialistically oriented.

Indian Society

The tenets of the Yukon Indian culture are harder to identify. In fact some whites argue that there is no such thing, except perhaps in an anthropological sense. While the Klondike Gold Rush was the first major cultural attack, it was the building of the Alaska Highway which marked the clear beginnings of cultural breakdown for Yukon Indians. The immigration of large numbers of whites, paternalistic government social welfare policies and the church schools combined to largely undermine the collective arrangements which traditionally maintained Indian culture. However, throughout the 1970s, and mainly through the vehicle of the Indian organizations a cultural renewal has been taking place among the Yukon Indians. This has resulted in new attempts to define and teach Yukon Indian cultural values.[38] The continuity of Indian cultural values was perhaps best publicly exhibited during the Lysyk Inquiry, when Indians of all ages from the very old to the quite young, spoke out on what they valued about life in the Yukon, and what they hoped and feared for the future.[39]

Fundamental Assumptions About Human Nature

The benchmark of Indian cultural assumptions is their essentially collectivist orientation toward social organization. This corporatist conception of society stems from a tradition of "a co-operative ethic which encouraged self-reliance while ensuring that there was a social network to fall back on for the sharing of resources."[40]

The Indian people have traditionally accommodated whites who came to the Yukon and tolerated the lifestyles the whites brought with them.

Indian people are not materialistically oriented in at all the same fashion as the mainstream white group. While the orientation toward material goods may be changing among Indian children socialized by the pervasive mainstream agents, such as television, the Indian people are, at present, not motivated primarily by the making of money and the acquisition of material goods.[41]

Attitudes Toward the Land

Members of the predominant small 'c' conservative mentality tend to see the Yukon as a frontier, and have a 'frontiersmen' or 'frontier free enterprise' attitude toward the land. This attitude is premised on a competitive ethos which views nature as a challenging foe that should be conquered and harnessed.

Yukon Indians see the Yukon as a homeland not a frontier.[42] The land and nature are central to the Indian tradition and culture. Indians view man's relationship with the land and nature in symbiotic terms. According to Indian custom, land and nature are to be res-

pected and lived in harmony with, not conquered and exploited.

Summary

Quite clearly the general cultures of the mainstream white society and the Indian society consist of significantly different conceptions of human nature, and man's relationship with nature. The question now is, do these differences in cultural orientation manifest themselves in separate political cultures?

Fundamental Orientations Towards Political Action

Most white Yukoners received their political socialization in southern Canada. All ten Canadian provinces have a tradition of adversary politics--organized on the parliamentary model. As a consequence of the combination of early experience with partisan politics at the provincial level and a competitive nature, most members of the small 'c' conservative group are at ease with the cut and thrust of parliamentary politics. This 'ease', combined with a predisposition to recreate structures they are comfortable with,[43] has promoted members of this group into the vanguard of the movement to create a one-government structure, with full provincial powers in the Yukon.

Indian people on the other hand have experienced their early political socialization in the Yukon, in a tradition of consensus politics. In fact Yukon Indians have only had the right to participate (vote) in the white man's political structures since the early 1960s. The absence of a political socialization in adversary politics, combined with a "less vocal" tradition of political communication has meant that at the present, Yukon Indians are not oriented to

debate, and find themselves uncomfortable and awkward in the processes of the adversary system. Partly as a consequence, the Yukon has never had an Indian elected territorially or federally. This aspect of Indian politics is slowly changing, however. Young Indians, many of whom have had the opportunity to venture 'outside' to work or attain post-secondary education, and who are now, often, active in the Indian political organizations, are beginning to feel more comfortable in adversary situations.[44]

In summary it appears that the two major cultural groups have quite different orientations toward political action and indeed this seems to be largely the result of the different cultural backgrounds of the two societies.

Fundamental Orientations Toward Political Structures

In Chapter I it was indicated that in most stable political systems there exists a coherent political culture which provides a general agreement about the proper limits and functions of politics. The question then is: does there exist in the Yukon a single political culture capable of providing a general agreement about what should be the meaning, the means, and the ends of political action?

Both the small 'c' conservative group and the Indians are dissatisfied with the present territorial structure. Yet they do not agree on what type of institutional 'means' for organizing political action should replace it.

One reason they cannot agree on the institutional 'means' of organizing political action is that they appear to have somewhat different attitudes regarding political 'participation'. The small 'c' conservative group works within the cultural assumptions of the liberal-democratic parliamentary model of political organization. In this model the main political act for the general populace is the casting of a vote during elections to choose a representative for the legislative body. The legislative body then governs, theoretically, for the duration of the term of office. In Canada this is usually a period of four or five years. Indian people criticize the YTG-EXCOM decision-making model, as being too centralized and lacking people participation.[45]

Yukon Indians do not operate within the confines of the conventional federal-parliamentary paradigm. Rather their cultural assumptions regarding political structures are shaped by their tradition of consensus politics and co-operative decision-making. The Indian General Assembly format in which representatives of each of the twelve Indian communities meet at regular intervals to discuss, ratify, or reject the work of their executive, seems to reflect their concern with grass roots particpation and community decision-making.

In the Yukon the 'ends' of political action also appear to be very much in dispute. For instance, while the Indians are attempting to entrench the special rights that status Indians enjoy under the Indian Act for all land claim recipients, members of the small 'c' conservative group are stating that they can only support a land claim if it extinguishes once and for all Indians' special status.

There have also been recent disagreements over what YTG services should be provided for and which YTG regulations should apply to, Yukon Indians.[46]

In summary, the evidence indicates that there does not exist in the Yukon a single political culture strong enough to provide a general agreement on what should be the meaning, means and ends of political action. Once again the conflicting positions of the two groups, are rooted in different belief patterns. As was pointed out in Chapter I, these fundamental psychological orientations (political cultures) are passed down through generations by the political socialization process, and are the accumulated results of an individual's own experiences with the political system, and the collected experiences of other members of his group with the political system. It would appear that because whites and Indians have had, historically, quite different "types" of experiences with the political system in the Yukon, they have quite different attitudes toward it.[47]

Conclusion

It would appear that the absence of a general agreement about the "meaning, means, and ends" of political action, combined with quite different orientations toward political participation, would provide the conclusion that the Yukon does not have a coherent political culture, but rather two quite distinct, ethnically based political cultures. Because of the bifurcated political culture there is some questions as to the "character and intensity of the

loyalties" of the Yukon citizen toward the general political system versus the subgroup to which he belongs.

B. POLITICAL COMMUNICATION

Introduction

The literature on political development argues that the political communication process should provide a common fund of knowledge and information in order to allow citizens to assess the motives, intentions and actions of their leaders. By being capable of transmitting a massive flow of 'uniform' messages to a wide audience, a modern communication system should facilitate the existence of a generally accepted political vocabulary which is essential for providing coherent political communication between sectors of society. A modern communication system consists of a fusion of high technology and special professionalized processes of communication, with informal, society-based and non-specialized processes of person-to-person communications. The question at this point must be: does the Yukon have a modern political communications process which is capable of successfully penetrating each segment of the society so as to provide a generally accepted political vocabulary, which in turn provides for coherent political communication and dialogue?

The High Technology Communication System

The professional media in the Yukon consist of a daily and a twice weekly newspaper, CBC radio and television, plus private radio stations and cable TV companies in Whitehorse. There are local newspapers in some communities and the Indian society has a twice

monthly newspaper which is published by the Ye Sa To Communications Society at the Indian Centre in Whitehorse. The YTG and CYI both have professional information or communication departments.

The technological and professional capacity clearly does exist to transmit a massive flow of messages to most people in the Yukon. In the case of the most pervasive media agents, CBC Radio and Television, The Whitehorse Star, and the Yukon News, the public will receive a largely 'uniform' message. While each of these outlets has its own slant they most certainly work within the philosophical assumptions of a liberal press in a liberal-democratic political environment. Most of the professional Indian communication network, that is the Yukon Indian News and the publications of the CYI Communications Department, is available to all segments of the Yukon society but is clearly directed toward the Indian reader. The message it provides its reader does not fit the same "uniformity' as the white media, largely because it does not work within the same philosophical constraints.[48] This may weaken the Indian press' credibility in the white society and particularly among the small 'c' conservative group, in the same way that the white press may lack some credibility in the Indian society. While the editorial slant of both the white and Indian media may be 'disliked' by some members of their own society, only rarely would their credibility be challenged.

So while the professional and technological capacity of a modern political communication process exists in the Yukon, it must be remembered that for the Indian society the "uniformity" of the message of the white professional media may be challenged by the

Indian's own media.

Person-To-Person Communications

The reality of a bifurcated political culture in the Yukon, as outlined earlier in this chapter, dictates that the Yukon has two informal ethnically-based non-specialized process of person-to-person communication. In both the white and the Indian societies in the Yukon this informal person-to-person communication is important.[49] While there are some Indians who have respect among the small 'c' conservative majority of the white society and some whites, mainly from outside the small 'c' group, who are respected in the Indian community there is no one person or group of persons who could legitimately be called an opinion leader in both societies.[50]

Communications Between Political Leaders in The Yukon

If there was one thing that all the respondents, both in the Yukon and Ottawa, were agreed upon, it was the fact that there are major communication 'problems' between the YTG Building and the Indian Centre. Being "across the river" from each other symbolizes more than a geographical setting. There are different reasons given for the lack of communication by the representatives of the different groups, but nonetheless there is a general agreement that there is a lack of communication.[51]

The YTG and the Federal Government have recently taken steps designed to help overcome the communications problem. The YTG has appointed a native person, Dorothy Wabisca, as Special Advisor to the Commissioner on Native Affairs. Her job is to report to the Commissioner and to explain to EXCOM Indian positions and concerns.

Her appointment was somewhat controversial as the Indian Organizations were upset with not having a hand in developing the terms of reference of the job.[52]

Late in 1977 the Federal Government created a fourth elected position on the YTG EXCOM. One aspect of the new position, which was assumed by Dr. Jack Hibberd, is a special responsibility for native affairs. To date, Hibberd has moved slowly and not much has happened from his office in terms of "dispelling the sense of alienation that exists, and leading the dialogue."[53] The jury is still out on Hibberd and the office to which he was appointed.

Political Vocabulary

The question then becomes: if there is a lack of communication between the political leadership of the major subgroups within the society; if there is a bifurcated informal communications process, and; if there is some question as to the 'uniformity' of the message of the formal communications system; is there also some question as to the existence of a 'generally accepted' political vocabulary?

Perhaps two of the most important concepts in the constitutional evolution debate are the terms assimilation and integration for they describe the nature of the relationship of the minority and majority groups in a society. There is general agreement that constitutional change must utilize one or the other of these strategies in defining the nature of the respective roles of white and Indian Yukoners in the Yukon's political future. Ostensibly this should present no problem as both the small 'c' conservative group and the

Indians are on record advocating integration as a positive and necessary process. The problem becomes clear when the definition of integration is analyzed.

Integration to the YTG means moving the minority group into the social and economic mainstream. This is done by teaching the minority the correct values and skills and giving them some additional help in overcoming the problems of integration (moving from one milieu to another). In this type of integration racial or ethnic distinctions will not be recognized and the minority will have the same rights and responsibilities as citizens, as everyone else.[54] In the Yukon this means that "a special effort should be made to help the Indian people adjust to life in the society they find themselves in."[55] The YTG is willing to provide special educational programs to Indian people to help them adapt to the mainstream culture and value patterns. Special short term political accommodations would be made to bring Indian people into an active role in the YTG,[56] and Indians should surrender any special legal rights they now have.[57] Indian people will, according to this definition, be able to practice their cultural traditions outside the economic system, in the same fashion that Canadians of, for example, Scottish or Portugese ethnic backgrounds can.[58]

It happens to be the case that the YTG definition of integration corresponds roughly to the Indian definition of assimilation. Indians consder the YTG 'integrative' proposals to be 'assimilative' because one society is forced to melt into the other. There is no choice for the minority of whether or not they want to become part

of the larger society. The idea of choosing rather than being forced, no matter how subtlely, is key here. Dave Joe, the CYI chief negotiator, articulates the Indian definition of integration and suggests it means a coming together of two societies - versus - the melting of one into the other;

> An integrated system is one in which both social entities recognize their differences and adapt their institutions and objectives to develop "collective objectives" which they pursue while accommodating each others uniqueness.[59]

As a result of this difference in meaning Indians perceive YTG proposals for integration as assimilative:

> Dave Joe: The present YTG integrative overtures (Meaningful Government for all Yukoners, four gerrymandered seats) are blatantly assimilative.[60]
>
> Willie Joe: The present path is assimilation by legislation.[61]
>
> Bobbie Smith: The YTG wants us to retain our culture but within the framework of a white society, and that is assimilationist.[62]

There is quite clearly a paucity of shared meanings. For the YTG: "there is essentially a choice of two approaches to settlement in the Yukon: an integrative approach favoured by the Federal and Territorial Governments; and an apartheid approach apparently favoured by the CYI and NIB."[63] The Indians feel the approach favoured by and traditionally taken by government is assimilative.[64] To the Indian mind an integrative approach would allow the recognition of differences and the right of each social entity to "self-determine how they will use their land and resources, in a political system

which they so choose to advance their overall social, political and economic objectives.[65]

Conclusion

It would appear that because of: a)a lack of communication between the political leadership of the YTG and Indian organizations; b) the existence of a bifurcated informal communications process; c) the questionable 'uniformity' of the message of the formal communications system, and d) the absence of a generally accepted political vocabulary; the Yukon has a relatively underdeveloped "modern political communications process" which results in a substantial incoherence in political communication.

C. POLITICAL IDENTITY - LEGITIMACY

Introduction

The theoretical discussion of political identity in Chapter One, indicated that the literature in the field of political development considers political identity to be a crucial element in the development of a stable yet adaptable political system and perhaps the most crucial political belief for the formation of a new political system.[66] It was also noted that in order for a political system to function effectively without exercising an undue amount of coercion its governmental structures and leaders must be viewed as legitimate by the people. If a state enjoys the political identification of the people it will also likely enjoy legitimacy.

Before attempting to determine if the potential for a political identity which could provide support for a new governmental structure in the Yukon exists, it is important to evaluate the present degree of support, based on political identification, enjoyed by the YTG. Thus, the central question at this point must be: do the present levels of political identification of all major subgroups within the Yukon toward the YTG, provide a basic sense of unity for the Yukon and create the foundations for the support of the expansion of the YTG?

One can test for the levels of political identification toward the general system versus subgroups within the system in three ways:

1) by considering the strength of commitment to common political symbols, versus subgroup symbols;

2) by determing the capacity of the state to carry out its 'state' functions given the allegiances of subgroups within the society, and;

3) by determining if all elements feel that the state belongs equally to everyone.

1) Political Symbols

The major political symbol of the general Yukon political system is the YTG Building. The sprawling, bunkerlike legislative and administrative centre represents the expanding size and responsibility of the Territorial Government. It symbolizes the increasingly high profile the YTG is assuming in Yukon society, and the burgeoning political assertiveness of YTG politicans as they attempt to convince Yukoners and the Federal Government that the YTG should be granted even greater power and responsibility. What must be determined is whether the primary political identification of all major subgroups in the Yukon is focused on the YTG, or on the subgroup political structures.

I put this question directly to the majority of the people interviewed: "What in your opinion is the attitudes of Yukon Indians toward the YTG?" There was a general consensus among Indian leaders, informed political observers, Federal officials and YTG people, that Indian sentiment toward the YTG ranges somewhere between distrust and resentment. The most common response to the subsequent question of, "Why do the Indians feel this way?", was that the YTG has characteristically exhibited a lack of responsiveness to Indian concerns. Max Fraser, then editor of the Whitehorse Star, said, "the YTG hasn't

been responsive - everything the Indians have gotten they have had to fight like hell for!"[67]

According to Bill Webber, President of YANSI, there is a historical dimension to this distrust, and it revolves around 'land'. "Indian people have been alienated from the lands since the whites arrived, especially hunting and fishing spots. Consequently governments have always been seen as a threat by Indians, who identify with their organizations because the organizations are always taking up battle with government to overcome their problems, change programs, etc..." [68] Dave Joe, Chief Negotiator for the CYI says that Indian people do not identify with the YTG because the YTG was imposed unilaterally, without the input of Indians and in denial of their democratic rights. "This has resulted in political non-involvement by Indians and the absence of the social policies necessary to integrate the races."[69]

YTG EXCOM member Jack Hibberd feels that the YTG lack of responsiveness in the past and indeed government treatment of Indians in general, has led to resentment. As a consequence "the Indians view the YTG as an all white government - an alien creature."[70]

John Hoyt, Federal Indian Affairs Minister Hugh Faulkner's Special Assistant for the North, describes the Indian sentiment toward the YTG as "resentment, although that is a mild word for a sentiment which borders on hate."[71]

There is general agreement from all quarters that Yukon Indians do not have a strong sense of identification with the YTG.[72] The question then becomes: do the Indian people have a stronger identification with their own political symbols?

The single most important 'symbol' for Yukon Indians over the last half decade, and the issue which has involved many of them in politics for the first time is the land claim. This is an issue which transcends the legalistic division of Indians into status and non-status. Julie Cruikshank noted in her analysis of Indian submission to the Lysyk Inquiry that the land claim has become an important symbol for both middle aged and young Indians. For many of the middle aged group work and discussion on the land claim has been their first political involvement:

> ...in fact their presentations were often an extension of that political involvement...The two guiding images which seem to structure their talks are the memories of a better life before the construction of the highway in the past and the vision of a better society after land claims in the future.[73]

The young Indian men and women in their twenties and thirties, many of whom are actively involved in the Indian organizations, tend to share the older group's feeling about the land claim:

> At the Inquiry they spoke of their relationship with the land in the past and tied it directly to management of renewable resources in the future. They spoke of erosion of their rights by centralized government in the past and tied it to their vision of a more decentralized political system in the future. Their understanding of the past translates directly to a vision of the future. And their vision of the future is bound inextricably with land claims as a symbol of a new beginning, a renewal.[74]

The pipeline is also a symbol - for both the mainstream white society and for the Indians. The small 'c' conservatives are the strongest proponents of the pipeline. To them it represents: fast money, economic growth, population increase, community growth, pipeline revenues - and alleged financial stability for the YTG, and future large scale industrial development. For Yukon Indians the pipeline symbolizes: the pre-empting of land that they may want to select as part of the land claim, in-migration of more whites - which may further engulf the diminishing Indian minority and in turn lead to increased racial tension as well as weaken Indian's agruments for cultural and language programs in the schools, community destruction, and the single greatest threat to an orderly implementation of whatever terms are agreed to in a land claim settlement. The pipeline is clearly a symbol, but not a common symbol.

YNB, YANSI and CYI are organized and active in each of the twelve Indian communities. Their roles in regard to program operation, political education, problem solving, the land claim and constitutional change vary in each community and at the Territorial level. While there has been in the past, and will no doubt continue to be in the future, some conflict among the three major organizations, there is no question that the Indian people of the Yukon identify with their organizations. Many members of the small 'c' conservative group on the other hand, while not challenging the right to existence of the Indian organizations, are opposed to some of the work they are doing, particularly in regard to the land claim. This group blames many of the

Yukon's present problems on the Federal Government for its allegedly 'open-ended' funding of the Indian organizations. These people would use the threat of a cutoff of funds to force the Indian people into a quick land claim settlement.[75] They also lament the good old days before the Indian organizations and the land claims, "when we got along real well."[76] They claim that the Indians would be acting immorally if they used their land claim to hold up development.[77]

It is clear that the native people do not share the same political identifications as the small 'c' conservatives. While the latter group identify with the YTG and the pipeline, the Indians do not - rather their primary political identity rests with their political organizations and the land claim. In 1978 the institutionalization of commitment to common political symbols is not taking place in the Yukon.

2) 'State' Functions

An important test of the support a government enjoys revolves around the government's ability to carry out its' 'state' functions. A stable government that enjoys the political identification of its citizens tends to be able to successfully and legitimately carry out the functions of the state thereby expanding its capacity to act. Lucien Pye argues that if a government is incapable of effectively performing its 'state' functions, because significant elements of the population hold higher allegiances to subnational groupings, then the government is suffering an 'identification crisis'.

Pye also argues that if a government attempts to expand its state power or capacity and finds that the claim for the legitimacy of the expanded authority is challenged by other authorities in the society, or otherwise fails to gain popular support, it would be suffering a legitimacy crisis.

The YTG presently performs a number of functions that fall under provincial jurisdiction in the BNA Act, and is continually attempting to expand into more and more of the 'state' functions of a province. Early in 1978 the YTG's expansion into one area of provincial jurisdiction was challenged by two Yukon groups. The YNB vetoed the transfer of native health services from the Federal government to the YTG, and was supported in their decision by the health workers involved, the members of the Professional Institute of the Public Service. If the attitude of the YNB and the PIPS was the result of a lack of respect for or identification with the YTG, then the fact that the YTG has some trouble expanding its 'state' functions might suggest that the YTG may be suffering an identification crisis among certain elements of the Yukon society.

In explaining the decision, YNB President Willie Joe indicated that a lack of respect for and identification with the YTG were precisely the reasons for the veto. The YNB accused the YTG of being immature and said that because of the YTG's immaturity "it is experiencing many difficulties" and therefore Indian organizations are very reluctant to make any commitments to the YTG. In the YNB's opinion "the Yukon Government is taking on too many responsibilities too soon." Joe went on to say that the YTG is irresponsible in its

attitude towards Indian needs. He said that the YTG has adopted an "adversary approach" to dealing with Indian people, and is continually "...trying...to eliminate us, as if we didn't live here."

The Professional Institute of the Public Service agreed with the YNB and said "they are more than justified in refusing to accept the transfer of medical responsibilities from federal to territorial hands." The PIPS agreed with the YNB sentiment "that the YTG couldn't provide good leadership in its own affairs." The health employees also felt that the YTG has a poor attitude and track record when it came to dealing with Indians. Consequently they felt they would have "better relations with the natives under the federal government than they would have under the YTG."[79] So, while both groups had criticisms of the federal government they felt that health services are better off in federal than territorial hands.

Quite clearly, there are influential groups in the Yukon which are willing to challenge YTG expansion into and operation of some provincial 'state' functions. However, challenges to YTG expansion and authority do not only come from within the Yukon. For instance, the YTG has stated that an important step on the path to provincehood is the development of a fully elected cabinet or Executive Committee (Excom) and the division of the Commissioner's powers into lieutenant-governor-like and premier-like responsibilities:

> The ultimate transition from administration by a Commissioner receiving advice from the Executive Committee to a Lieutenant-Governor acting exclusively with the advice and consent of a provincial cabinet will not be such a difficult step.[80]

The Federal Government says that the political maturity simply does not exist in the Yukon to allow Ottawa to make such drastic changes. The Federal Government suggests the YTG is weak and in fact acts to make it weak by restricting YTG attempts to expand YTG power. As has been noted above, for the first time in years Ottawa vetoed a bill of the YTG Territorial Council in late 1977. The Federal Government also refused to allow the Yukon Territorial Council to officially call itself the Yukon Legislative Assembly.

An identication crisis arises when the 'state' functions of a polity cannot be satisfactorily carried out because they are not supported by a full sense of 'community'. A legitimacy crisis results from a challenge to the most generalized claims of leadership of those in authority that arises out of differences over the proper nature of authority for a system. Both of these crises appear to be the reality for the YTG in 1978.

3) Equality in The State

In Chapter One it was mentioned that a common cause of an identification crisis is the "clash between majority and minority groups and the difficulty of having all elements feel the state belongs equally to everyone."[81] There are three recent examples of Yukon Indians explicitly charging that YTG 'state' functions do not

treat Indians fairly. These charges are made against the coercive mechanism of the YTG (police-judiciary),[82] the YTG Education Department and the YTG Game Branch.

The recent death of Indian men, Roderick Smith and Doug Johnson have prompted street demonstrations against the use of excessive force by hotel authorities and the RCMP in dealing with Indian people. The Indians are also concerned with what they feel is a certain injustice in the legal system.[83] Margaret Joe, Chairperson of the Yukon Natives and the Law Committee, said the Johnson incident is indicative of "a lot of brutality and harrassment by RCMP against Indians." "It comes down to the fact, said Joe, that the RCMP can do anything and get away with everything."[84]

In February of 1978 the YNB accused the YTG Education Department of being "ignorant of the special needs" of Indian children, which re-result from the "cultural differences" of the two societies. Because the YTG has trouble perceiving Indian educational needs, the YNB has suggested that the Indian organization set up its own Indian Education Centre, which would provide for these special needs. The YNB also made it clear that because of what it terms "YTG irresponsibility" it is hesitant to transfer education programs such as the remedial tutoring program to the YTG.[85]

In the summer of 1978 the Kluane Tribal Brotherhood (KTB) announced that it intended to set up its own school in Burwash Landing. The KTB claim the school Burwash Indians presently attend in Destruction Bay is foreign and alien to the Kluane way of life:

> The curriculum is based on the British Columbia curriculum which is designed for southern urban children. There is no mention of the Kluane

> culture in this curriculum or any reflection of the Kluane Indian values within the system.[86]

Finally, the YNB has recently criticized the Territorial Game Branch with harrassing Indians who hunt:

> Constant reports from our people about game wardens tells us that the Territorial laws relating to game are interfering with our right to hunt and fish for food.[87]

Paul Birckel, former Chief Administrator for the CYI said:

> We have problems which result from people who are up here for speculation, they only have to be here six months before they can hunt, consequently a lot of poor hunting practices develop. Yet the YTG caters to these people by opposing longer residency requirements.[88]

Delegates to the 1978 Annual Assembly of YANSI passed a resolution demanding that Yukon residency requirements for hunting licenses be changed to five years from the present six months.[89]

In conclusion, in at least three areas of 'state' functions there is some question in the mind of a significant minority in the Yukon as to whether the state belongs <u>equally</u> to everyone.

<u>Conclusion</u>

The importance of political identity for the orderly development of a polity is expressed bluntly by Sydney Verba:

> Unless the individuals who are physically and legally members of a political system (that is, who live within its boundaries and are subject to its laws) are also psychologically members of that system (that is, feel themselves to be members) orderly patterns of change are unlikely. It is the sense of identity with the nation that legitimizes the activities of national elites and makes it possible for them to mobilize the commitment and support of their followers.[90]

Given the conclusions of the sections on political symbols, state functions and equality it would appear that the present level of generalized identification toward the YTG does not provide a basic sense of unity for the Yukon nor create the foundations for support of the expansion of the YTG. Rather identification with the YTG is split among subgroups of the society resulting in a relatively low overall level of identification. Clearly, under present conditions, the potential for the growth of "perhaps the most crucial political belief for the formulation of a new political system" - a pervasive and unwavering political identication - is lacking.[91]

D. INTEGRATION

Introduction

As has been noted integration presupposes differentation in a society. Any assessment of integration requires an understanding of the nature and extent of the differentiation. In the Yukon the major social differentiation is ethnic. The major political, cultural, economic and liguistic cleavages in Yukon society are based on ethnic differentiation. The main differentiation is between those of Native Canadian background and those of Euro-Canadian background.

It was pointed out in the discussion of political culture in this chapter that as a result of the different orientations of the two ethnic groups towards human nature, the land, political action and political structures there exist in the Yukon two distinct ethnically-based political cultures. As YTG politicians point out the situation is different in the Yukon than that in the NWT, where there is a great deal of physical separateness of the races. Perhaps the most analagous example of the Yukon's social divisions in Canada today is the situation in Quebec. This is a position that the YTG seems to agree with. In its submission to the Task Force on National Unity the YTG Standing Committee on Constitutional Development stated:

> In demanding these rights, it would be wrong to think we do not recognize the tensions in our society comparable to those in the Quebec Society. We, too, must deal with the interaction of the two cultures, in our case a native Yukon culture and a non-native culture. In some circumstances that interaction has led

> to unhappy and sometimes tragic results. In other cases it has greatly enriched the lives we lead.[92]

Integration was described in Chapter One as the extent to which the attitudes and activities of the members of a polity are co-ordinated so as to overcome the divergences among themselves and promote the effective operation of the polity. This definition focuses on two themes: 1) the extent of the co-ordination of the attitudes and activities among the divergent groups in a polity, and; 2) the effective operation of a polity.

1) Co-Ordination of Attitudes and Activities

It has already been indicated in this chapter that the two groups have fundamentally different attitudes regarding human nature, and land, and the meaning, means, and ends of political action. It has also already been pointed out that the Indians and the small 'c' group have different attitudes toward the land claim, the pipeline, economic development, the transfer of land to the YTG, and the expansion of YTG power and responsibilities. They also disagree over such fundamental issues as who is a Yukoner,[43] and what sort, if any, residency requirements should be imposed for voting or standing for election in the Yukon. As shall be indicated in the next chapter they also have significantly different visisions of the future for the Yukon.

When they do take the same position on issues it may be for very different reasons. Both the YTG and CYI rejected the Federal Government's proposal for a one man inquiry into constitutional development.

The YTG rejected the Constitutional Inquiry as a further manifestation of colonial dictatorship and suggested that the YTG's Standing Committee[94] on Constitutional Development should determine any terms of reference. The CYI rejected the Inquiry because they feel the constitutional position of Yukon Indians should be determined in the land claim settlement.[95]

It was stated in Chapter One that an emphasis on co-ordination and co-operation rather than coercion is fundamental to the concept of integration - it is quite simply, difficult to find many high-profile examples of attitudinal co-ordination between the YTG and the Indian organizations over the last couple of years. Because actions are influenced by attitudes, examples of either of the two groups subordinating its interests to those of the Yukon all told are equally hard to come by.[96]

II) The Effective Operation of the Polity

As was pointed out in Chapter One a relatively well integrated polity may have procedures which reflect the divergences within it, and still function as a coherent unit. Specifically, its citizens can solve conflicts peacefully, make binding collective decisions without excessive delay, define collective goals and feel some form of mutual identification despite their differences.

To date the governmental structures of the Yukon have not had procedures which reflect the divergencies within it. The YTG has over the last three years made several proposals for recognizing the divergences that exist in the Yukon society. Both the super-

imposed seats of the Meaningful Government paper and the more recent gerrymandering of the four new constituencies have, however, been criticized by the hardline members of the small 'c' group who oppose special representation even it if does reflect the divergencies within the society.[97] The Indians have made it clear that the definition and entrenchment of the Indian's constitutional position in the Yukon is part of the land claim. Until the mid-70's there was little concern with recognition of divergences as the Indian people were not organized, politicalized or relevent to the territorial political scene. With the growth of a political consciousness among Yukon Indians, the development of the Indian organizations and the recognition of aboriginal title by the Federal Government, this has changed.

Either as a result of the increasingly active political role of the Indian organizations or as a result of the YTG's response to the newly politicized Indians' positions or as a result of the combination of the two, there are some real problems in the Yukon today, when it comes to:

a) making binding collective decisions without excessive delay, and;
b) defining collective goals and feeling some form of mutual identification despite differences.

Examples of problems with respect to issues which concern both communities are numerous. Controversial issues include the remedial tutoring program, the health care transfer, the land transfer, the constitutional development issue, the pipeline, and the rapid industrialization of the Yukon. Indians fear a massive new hydro-dam may flood trapping and hunting grounds, Indian graveyards

and pre-empt land they might like to choose in the land claim.[98] They were also concerned with the impact mineral exploration off the Dempster Highway during winter might have on the Porcupine Caribou Herd.

It is also the case however, that the aspirations of the Indian people lack legitimacy in the eyes of the white majority in the Yukon. When it was discovered that the Indians were considering a two-government system as outlined in the confidential, spring 1978 CYI Comprehensive Land Claim Package, leading politicians of the small 'c' group were quick to attack the proposal as apartheid generating.[99] Even less extreme members of the Territorial Council rejected it out of hand. The Wildlife, Fish and Game League, the mining community, and the various Yukon Chambers of Commerce while agreeing there should be a land claim, have all indicated little sympathy for Indian aspirations regarding land and political power.

At present the Yukon does not have political procedures which reflect the divergencies within it nor is it able to function in a particularly coherent fashion when it comes to defining collective goals and making collective decisions.

Summary

The YTG blames Ottawa for encouraging disintegration by providing what they consider to be open-ended financial support to the Indian organizations—which by their growth and political actions cause disintegration by challenging the authority and competence of the YTG, and/or ignoring the YTG and dealing directly with Ottawa on many issues. In addition the Territorial Council is on record

as stating that the Federal Government land policy, by recognizing Indians as a distinct group, fosters racial distinctions which will lead to racial segregation.[100]

The Indians blame the YTG for causing disintegration by treating the Indian people poorly. The Indians claim that Indian distrust and resentment are the result of the YTG's refusal to recognize and respect the Indian people as a separate entity, and the YTG's lack of responsivness to Indian problems and concerns.

The Federal Government people to whom I spoke offered a third explanation for the lack of integration. These people blame the disintegration on the extremists of both sides, who through their extreme statements over-shadow the moderates and drive a wedge between the white and Indian societies.

So while the members of the small 'c' group fear that the recognition of Indian distinctiveness will lead to segregation and detract from integration, Yukon Indians argue that for Indians to integrate as equals, that is - not assimilate, into the dominant society, they must first develop themselves politically, culturally, socially and economically. The Indians argue that they can best develop themselves and ensure their continued existence as a people, if they are given a certain amount of separateness which will allow them to use their own tools to regain personal and racial pride, and learn the skills necessary to live satisfactorily in a modern society. The Indians argue that this separateness is not segregative but rather will lead to integration. It is clear that to a significant degree the problems of integration are part and parcel of the incoherence of

political communication, which in turn results from the absence of a common political vocabulary.

Conclusion

In the final analysis, "integration is the extent to which integrative factors whatever their nature counter the divisive effects, whatever they may be of social structure." In Chapter One it was stated that a polity which is internally highly divided needs mechanisms and behaviour which foster integration more than a less divided society. While there is some dispute as to 'just how divided' and 'just how successful' the Yukon is, there did emerge from the interviews a general agreement that the Yukon is presently suffering from a lack of integration. Because there have been no outbreaks of violence between the two sides of the social division the Yukon can not be said to have an extremely low level of integration, but rather a "relatively low' level. As indicated above the different actors have very different opinions as to the cause of this.

General Summary

The analysis of political culture concluded that the Yukon does not have a coherent political culture but rather two quite distinct, ethnically-based political cultures. In the section on political identification it was found that the generalized identification toward the YTG does not appear to provide a basic sense of unity for the Yukon nor create the legitimacy for the support of the expansion of the YTG. Subsequently, it was found that the overall level of a single pervasive identification with the YTG was 'relatively low'.

Because of the lack of communication between the Indian and YTG leadership, the bifurcated informal communication process, the questionable 'uniformity' of the formal communications system, and the absence of a generally accepted political vocabulary, the Yukon has a 'relatively underdeveloped' modern political communication process.

As a result of the bifurcated political culture, the lack of a common political identification, the absence of a generally accepted political vocabulary, problems in collective decision-making and the absence of a popularily accepted rationale for the expansion of the YTG, there is a general agreement that the Yukon is presently experiencing a 'relatively low' level of integration.

General Conclusion

In conclusion it would seem abundantly clear that the overall level of political development in the Yukon is 'relatively low'. The levels of each of the individual variables plus the overall level of political development must be considered when determining the appropriateness of the proposals for constitutional development which are put forward by the various actors. The positions of the three actors on constitutional change will be outlined in Chapter Three.

CHAPTER THREE

THE POSITIONS OF EACH OF THE ACTORS ON CONSTITUTIONAL DEVELOPMENT

Introduction

The positions of each of the actors as outlined in the following chapter are not hard and fast. Rather they are constantly evolving. What this chapter does is take a snapshot of each position as it stood in the summer of 1978. The positions were determined through an analysis of the public statements and documents of each actor as well as through interviews with representatives of each of the actors.

A. THE POSITION OF THE YUKON TERRITORIAL GOVERNMENT

The goal of the present Territorial Council is to progress toward responsible cabinet government in the Canadian parliamentary tradition by gradually assuming all the powers of a provincial government. The YTG presents its fight for provincial status as a struggle to cast off the burden of colonialism under which it continues to suffer. It argues that early provincial status for the Yukon is in the best interests of Yukoners because: a provincial government centered in Whitehorse would be more attuned to Yukoner's needs than is the "Great White Father" in Ottawa and because the Yukon can protect what is rightly its only if it gains the power commensurate with provincial status. As long as the Federal Government maintains traditionally provincial power in its own hands it will be able to

ignore the YTG's wishes. The YTG can point to Ottawa's recent actions to demonstrate the Federal Government's willingness to veto Territorial Council legislation.[101]

Another very real reason for the YTG wanting provincial status is the desire on the part of the councillors for greater prestige and personal power. There is more prestige in being a member of a provincial legislative assembly than being a member of a subservient territorial council; in being a member of a provincial cabinet than being a member of a federally appointed territorial executive committee; and in being able to make laws rather than ordinances. Their desire for greater prestige and respect is understandable. The YTG's colonial relationship with Ottawa is frustrating for the members of the Territorial Council, particularily those who are not members of the Executive Committee - for they have limited power and limited access to information, and can be ignored at will by Ottawa and in many respects by the Yukon Indians.

The first ingredient of responsible government in the Canadian tradition is the requirement that ultimate power lies in the cabinet. For this reason the YTG wants to increase the power of the Territorial Executive Committee until is possesses the same powers that provincial cabinets possess. Also, the cabinets policy decisions would be supreme rather than simply advisory as is presently the case.[102] This means that cabinet would only stay in office so long as it enjoyed the support of the elected legislature, not Ottawa as at present. The stature of the legislative body would be enhanced by having the Executive Committee chosen only from among the members of the assembly.[103]

In addition, the present powers of the Commissioner would be divided into those of a premier and those of a lieutenant-governor.

The assumption of provincial powers entails the expansion into a number of policy areas presently controlled by Ottawa. These include, among others, health care, renewable resources and non-renewable resources. The YTG had intended to assume all health care responsibilites for the Yukon in 1978 but this attempt was vetoed by the YNB. In the Meaningful Government paper, the YTG suggested that "the federal government could consider renewable resources of immediate local concern such as timber, land, water, and fisheries to logically be transferrable to the YTG."[104] While a Department of Renewable Resources has been established, it presently only maintains control over wildlife.

The YTG realizes that the present Federal Government has every intention of retaining control over non-renewable resources. They also realize that the revenue derived from non-renewable resource taxation would likely be the mainstay of its finances as a province. Consequently, they demand in the 'Proposed Yukon Act' that they be given ownership of non-renewable resources.[105] However, many people in the YTG see provincehood being attained through a series of stages of increased responsibility for the YTG and thus it is not inconceivable that the YTG would forfeit non-renewable resources as a bargaining point in order to obtain provincial status. After obtaining provincial status, it could petition Ottawa for jurisdiction over non-renewable resources in much the same way Alberta did in 1929, thereby hoping that the Federal Government would

eventually relent and transfer the resources to the province.

In the YTG's opinion another ingredient of responsible cabinet government is the development of an established party system for the Yukon. While a party system is not necessary for responsible cabinet government and in fact cannot be legislated, it is the Canadian tradition and conditions for its attainment can be encouraged through statutory change. Part of the reason the YTG lobbied for a bigger Executive Committee and Territorial Council was to facilitate the formation of party politics. This is clearly stated in the First Report of the Standing Committee on Constitutional Development - "A greater number of seats would allow for the evolution of party politics; party politics being the system for providing truly responsible government in the Yukon."[106]

While some YTG people are sincerely concerned with involving natives in the YTG and are willing to take exceptional steps to gain that involvement, most YTG concessions to date have been little more than responses to Federal pressure for greater native participation in the government apparatus. Those concessions are an outgrowth of the YTG's realization that the Federal Government must be assured that there will be greater opportunities for native participation within the existing government apparatus before it will permit further autonomy for the Territorial Government. As was pointed out in Chapter Two the guaranteed representation of Indians runs against the grain of the small 'c' conservative mentality which is predominant in the Territorial Council. Consequently the YTG's 'Proposed Yukon Act' does not mention any role for Yukon Indians in the proposed structure.

Nevertheless, to convince the Federal Government of its willingness to create greater opportunities for natives the YTG has put forward several proposals. All these proposals involve native participation within the framework of parliamentary democracy as we know it in Canada. For example for the next election the Council will be expanded from twelve to sixteen seats and four districts will have decidedly native voting majorities. It is hoped that this will produce on the Territorial Council the native representation it has lacked up until now. In fact these measures will not necessarily guarantee native representation. It is possible that distrustful or uninterested natives may not exercise their vote thereby allowing a white to be elected instead. Also there could be white migration into the native districts which would destroy the native predominance. Conceivably, natives could vote a white person in.

In regard to boards and tribunals which direct policy and review legislation the YTG rejects Indian equality or majority representation on tribunals which regulate in traditionally provincial jurisdictional areas. This is understandable as the YTG hopes to retain as much power in these jurisdictions as possible. The YTG is in favour of the creation of regulatory tribunals in areas where it currently has no jurisdiction. In federal areas such as mining and fisheries it supports native tribunal participation.[107]

The YTG hopes to use the pipeline activity to further its progress toward responsible cabinet government by arguing that the rapid economic development the pipeline entails provides similar urgency for constitutional development:

> The Committee on Constitutional Development for Yukon is vitally concerned that because of the forthcoming Pipeline activity and involvement, matters pertaining to Yukon's normal economic growth and political development may be neglected. We need to ensure for the people of Yukon that matters of controlled economic growth and planning, transportation and mining, tourism, parks and land, and Native affairs, be further represented and made responsibilities at the Executive Committee level.[108]

Conclusion

As long as hostility remains between the YTG and the native groups and as long as the small 'c' conservative mentality dominates the Territorial Council, it is unlikely that the YTG will move from its rigid position which favours a one-government system. As long as this is the YTG position it will continue its policy of gradually taking on more 'provincial' functions while at the same time hoping to convince the Federal Government of its good intentions towards the natives by supporting limited native advisory representation in YTG boards, tribunals, and departments. In fact, the YTG hopes to use the negotiation of native land claims to further its own ends in the area of constitutional development. The YTG wants a comprehensive native land settlement "in exchange for an extinguishment of special rights under the Indian Act."[109] This would mean that the Indian people would retain the same legal status as Canadian citizens and lose their special status as Indians. Moreover, this would mean that Yukon Indians would be subject to the authority of the YTG in the same way white Yukoners would be. For Indians to participate

in government they would have to join political parties or join the YTG as members of boards, commissions and departments. In such a situation Indians would find it more difficult to protect their special interests and therefore to impede the plans of the Territorial Council, than if they had veto power on issues of mutual concern under a new constitutional arrangement.

B. THE POSITION OF YUKON INDIANS

General Position

Yukon Indians maintain that they seek self-determination within the framework of Canada. The key to the Indian land claim is the recognition of title through aboriginal right. "Indian people have inhabited the Yukon Territory for time immemorial. We have never signed treaties and therefore we maintain ownership and aboriginal title to this land."[110] Indians points out that while land and money are elements of their land claim, the essence of the claim is the achievement of social and cultural goals, through self-determination. The economic and political power which will enable Yukon Indians to determine their social and cultural future must be attained through negotiation, and entrenched in the settlement legislation. Consequently, for the Indians, "our constitutional development is a key aspect of our land claim; our land claim, in many ways, is our statement of how constitutional development should take place in the Yukon:"[111]

> In the Yukon, our land claims are our latest attempt at getting our rights and status recognized and entrenched. Contrary to most public opinion, we are not seeking to sell our land, nor are we seeking to totally separate ourselves from the rest of the Yukon community. Instead, we are asking for compensation for the resources which were extracted from our lands, and compensation for those lands which will no longer be under our control. Thirdly, we are asking for the right to develop and govern ourselves and our lands as we see fit. And, lastly, we are asking to participate once recognition of our rights has been achieved as equals in the collective governing of the Yukon.[112]

Indians argue that a new framework of government in the Yukon is required to reinforce and implement Indian's special constitutional status in the larger Yukon and Canadian societies. Yukon Indians claim that past Yukon Government social, educational, economic and political policies and institutions have not recognized Indian's basic human rights, and therefore, the YTG should not ask Indians to become part of that structure, as that would be completely assimilationist.[113]

Indians say that since the YTG has failed to include Indians in their decision-making process in the past - and there is no reason to believe on the basis of the YTG's present policies and personalities that things will be any different in the future - they oppose any approach to provincial status for the Yukon until the Indian constitutional position is assured. The Indian position is that because there is no status quo system in the Yukon, and since the Yukon is in a development phase and some degree of change is being expected and encouraged by all segments of society,[114] the Yukon presents a tremendous opportunity to have Indian and non-Indian Yukoners establish a governmental framework free of the rigidity and outmoded concepts of provincial status."[115]

If the Indians reject provincial status with traditional provincial structures then the question is what institutional structures do they see emerging in its place? The specifics of the Indian constitutional position are constantly evolving. Nevertheless there are some consistent themes to their position.

Institutional Options

Government Over Indian Lands

"We are asking for the right to develop and govern ourselves and our lands as we see fit."[116] Indians argue that by utilizing the wealth (cash settlement, plus the resources of their lands and regular Indian program funding) and political autonomy (jurisdictional control over matters such as health care, education, municipal government in Indian communities, justice, housing, taxation and land use on their land) which they hope to receive through the settlement, they will be able to realize their social and cultural goals, which are the development of strong native society in which Indian people are proud of their identity and capable of controlling their own lives. This will entail the development of an Indian government of some kind in the Yukon. This government may take the form of a union of semi-autonomous communities with a territory-wide structure acting as a resource supply system for the policy making community structures. Alternatively, there may develop a territory-wide governmental structure which will emerge out of the amalgamated forces of the four Indian organizations. In all likelihood there will be both local and territory-wide structures. The debate which is swirling around this question in mid-1978 must determine where the emphasis will be placed; in other words, the Yukon Indians must determine which legislative and which administrative powers to give to the local level and which to the territorial native governmental structure.

Indian Role in Yukon Government

Some Indians feel that regardless of which choice is made sooner or later they will need a significant policy making role within the Territorial political system, which will have control over lands not given to the Indian people under the settlement, if the control over their own lands and programs is to mean anything:

> What good (are powers over Indian land) if under the Inland Water Act it is decided to dam one of the rivers that flow through your reserve as they've done in Northern Manitoba? What good is it to have exclusive control over a little block of land?[117]

In fact Indians see a major redefinition of their constitutional relationship with the larger Yukon and Canadian societies as a central aspect of the land claim. The Indians have not yet decided among themselves exactly what a new Yukon political structure should look like or to what extent they should participate in it. Some elements within the Indian community argue that the development of two relatively separate racially based governments is the answer, at least until Indians develop the confidence and knowledge to move into a common government as equals. Other elements argue that Indians can participate in a new one-government political structure now if there is constitutionally guaranteed Indian representation in the assembly, bureaucracy, boards, commissions and agencies in perpetuity.

David Joe stated in June 1978 that the idea of a one-government system hasn't been totally rejected. The Indian concern about a one-government structure is expressed in Joe's comments:

> ...what is needed is some kind of a system in which Indian people share decision making with respect to resources of concern to them. "If we can arrive at some way, whether through a one-government system, then fine."
>
> But in a one-government system people would argue that it is repugnant to give representation on the basis of race, that is to say if Indian people were given 25 per cent of the seats in a Yukon Territorial Government. That is repugnant to the whole concept of democracy."
>
> "The answer is that traditionally it has been repugnant but traditionally democracy has always worked to the prejudice of minorities including Indian people and it is about time the whole development of western democracy changed its attitude toward minorities."
>
> Once people accept that kind of a concept, instead of saying this is a system we've got and its not going to change even though it is unjust, then acceptance of a one-government system would be easier.[118]

Indians also insist that changes should be made to the electoral laws to ensure that only those people who have exhibited a commitment to the Yukon will be eligible to participate in determining the direction of the Yukon's development. That is, there should be voting residency requirement of a significant duration imposed.

Conclusion

The definition and entrenchment of the Indian constitutional position is a central feature of the Yukon Indian land claim. The position arrived at through negotiations will determine the shape of future Indian political structures and significantly influence the shape of a future Yukon Territorial Government.

C. THE POSITION OF THE FEDERAL GOVERNMENT

The most influential of the three main actors in the matter of constitutional evolution in the Yukon is the Federal Government. Ottawa has repeatedly gone on record as favouring the gradual evolution of responsible government for the Yukon. The obvious question that arises is whether the Federal Government means that this evolution should eventually lead to provincial status. When examining this question, a statement that the Federal Government made when appointing Bud Drury as Special Constitutional Representative for the Northwest Territories is especially revealing:

> There is the assumption in some quarters in the Northwest Territories that responsible government could and should lead eventually to provincial status, just as the western provinces evolved from the original Northwest Territories. In the light of the factors outlined in this Statement, the Federal Government believes that other possibilities are worth exploring.[119]

The still confidential document of March 1978, the Terms of Reference for the Minister's Special Representative for Constitutional Development in the Yukon is even more revealing. The Terms of Reference preclude the consideration of provincial status as a form of responsible government:

> to conduct informal consultations with the Commissioner of the Yukon, the members of the Executive Committee of the Yukon, the Yukon Council, Yukon communities, native groups and interested individuals and organizations about specific measures for modifying and improving the existing structures, institutions and systems of government in the

> Yukon Territory, short of provincial status, with a view to providing responsible and effective self-government in the Yukon Territory and at the same time accommodating the legitimate interests of all groups in Yukon society, especially those of the Indian and Metis people. 120

Quite clearly, the Federal Government is not anxious for the parties concerned to assume that it believes unequivocably that provincial status should result from the gradual evolution of responsible government.

Even if the Federal Government does mean that the gradual evolution of responsible government should lead eventually to provincial status, then another question arises as to just how gradually the Government thinks this evolution should take place. Prime Minister Trudeau indicated that this evolution may come very gradually when he said in August 1977 that the Yukon "may not see provincial status within our lifetime." [121] Clearly the Federal Government is much less enthusiastic about provincehood than the YTG. Why is this?

Ottawa enlists two 'national interest' arguments, one economic and one political when presenting the case against provincial status in the forseeable future. The economic argument revolves around the perceived importance of Ottawa retaining control over non-renewable natural resources in the North. The importance of base metals oil, gas and control over their exploitation, taxation, and utilization in the last quarter of the twentieth century, has been made abundantly clear by developments on both the national and international fronts over the last half decade. In August of 1977 Prime Minister Trudeau stated that the "National interest dictates that the Federal Govern-

ment maintain its ownership and control of the potentially non-renewable resources in the Northwest Territories."[122] Ottawa argues that the provinces insist that the Yukon remain a Territory. The provinces fear that if the Federal Government grants the Yukon provincial status it will eventually relent and also turn over its jurisdiction of natural resources. This would mean that if Yukon resource development became a significant part of Canadian resource development as a whole, the Yukon could retain the bulk of revenue accruing from resource development in much the same way Alberta has done. For the provinces it is much better if the Federal Government has control of Yukon resource revenues and spends them throughout this nation.

The political reality of the late 1970's in Canada - the issue of Quebec seperation - has introduced a second national interest argument which the provincial status argument comes up against. In the national context the goal is to keep Quebec in, and Quebec would not appreciate sitting down across the table with another tiny province - this one with a smaller population than many neighborhoods in Montreal!

Another argument the Federal Government uses in the provincial status debate is the financial-population argument. They argue that because the Yukon has such a tiny population, approximately 22,000 people, it cannot generate, even with resource revenues, sufficient revenue to cover the cost of putting in place and supporting a provincial infrastructure. Ottawa argues that such a move would require a massive injection of Federal funding. Clearly, the Federal

Government has no intention of losing political control to a Yukon provincial government which it must continue to heavily subsidize.

As has been noted previously the Federal Government is hesitant to hand over further power to the YTG because of what it claims is a lack of economic, social and political maturity in the Yukon:

> It is the general feeling around DIAND that substantial economic diversification is needed - the Yukon must develop more than a mineral resource mining base, secondly, that a great deal of social development has to take place in regard to race relations and third that steps must be taken to involve the Indian people in the Territorial Government, before you can turn over the sort of power we're talking about - political power greater than that of States in U.S.A., Cantons in Switzerland, or Counties in Britain.[123]

The pipeline project and development of a new hydro-dam are two types of economic diversification that Ottawa is encouraging. In their eyes the social and political development can be facilitated by two political processes, (a) the settlement of the land claim, and (b) the development of a political system which will bring out the moderates.

Settlement of the Land Claim

The Federal Government supports pluralist diversity based on economic, ethnic and cultural distinctiveness. The Federal Government has however, made it clear that it opposes political division based on race, in other words a two-government system. To diffuse support for a two-government system among Yukon Indians, Ottawa has indicated a willingness to consider the concept of devolution of Territorial

powers to the local level, both as part of a land claim settlement, and as part of a larger constitutional realignment. The Federal Government hopes that by decentralizing YTG authority and by giving Yukon Indians control over jurisdictional areas that they are concerned about, Yukon Indians will reject the two-government concept and support a one-government system.[124] Devolution also serves to restrict the increasing power and centralization of the YTG, which Ottawa fears will, by its extremeness and lack of sensitivity to native concerns, drive even more Indians into the two-government camp.

To Ottawa's pluralist vision the key to a viable political system is the assurance that all major elements in the society have a stake in making the system work.[125] Yukon Indians do not presently have a stake in the Yukon economy or political system. The Federal motivation, consequently, is to provide that economic and political state by granting economic power - land and money - through the land claim, and political involvement through extraordinary mechanisms of Indian participation in a one-government Yukon political structure. This position was reiterated by Federal Officials during the Ottawa interviews. One of the extraordinary mechanisms that Ottawa is willing to consider is the institution of some degree of residency requirement for specified political purposes. They have however rejected the Indian proposal of a ten year period for voting as too long.

A System to Bring Out the Moderates

The settlement of the land claim, while primarily designed to bring the Indians into the system is also intended by Ottawa to secure support among Yukon whites by settling the land question for both societies, which presumably means that land not transferred to the Indians and not made into National Parks will be transferred to the YTG. Ottawa's pluralist philosophy fears political polarization, and there was a unanimous feeling among the officials interviewed that most of the present group of Territorial Councillors, and some Indian leaders, are too extreme. In Ottawa's opinion the solution to the Yukon's political problems depends on 'compromise' and the development of a political structure that will bring out the moderates in both societies.[126]

Ottawa officials seem convinced that while the 'rednecks' are strong there is a potentially moderate majority of whites in the Yukon. Precisely how they intend to bring this moderate white group onto the political scene is unclear. However, some steps they seem to think will help are: deciding the land question for both societies; encouraging better political and personal communication between the Indian and YTG organizations and moderate Indians and whites; providing both Indian and white Yukoners with greater involvement in (stake in) the Territorial political system and economy by transfering further Federal powers to the Yukon, possibly through devolution of both decision-making and administration, and; by simply refusing to grant further steps toward responsible government until Yukon whites and Indians start working together.

Conclusion

While Ottawa continues to support in theory the gradual evolution toward responsible government, it maintains that responsible government does not necessarily mean provincial status and certainly not in the foreseeable future, as a great deal has to take place in the way of economic, social and political development before any significant transfer of federal power can take place. Official Ottawa continues to speak in vague generalities about the Yukon, ostensibly becuase of a desire to (a) not prejudice the land claim negotiation, and (b) leave all the options open for future constitutional debate and development. In fact it is not in Ottawa's best interest at this point to clarify its position on what institutional option it prefers for the future (indeed it is very likely it has not yet determined this) but rather to continue stating what it will not allow thereby defining the boundaries of the debate and allowing things to unfold as they will within these boundaries.

CHAPTER FOUR

AN ASSESSMENT OF THE VARIOUS INSTITUTIONAL OPTIONS

Introduction

In Chapter One it was stated that one requisite for success of a political system is that its constitutional structures must be appropriate to the level of political development in the system. Thus if the level of political development is very low, relatively low or moderate then a structure which demands a very high or relatively high level of political development to function properly would be inappropriate. For instance direct imperial rule from Great Britain would no longer be appropriate for Canada, just as a feudal dictatorship is no longer appropriate for Cuba. In order to determine if the statutory structures proposed by the various actors are appropriate for the Yukon it was essential to first determine the present level of political development in the Yukon. This was done in Chapter Two, which argued that at this point in time the Yukon has a relatively low level of political development.

It was also indicated in Chapter One that a viable governmental structure, in addition to being appropriate to the present level of political development, must be capable of promoting further political development. Accordingly it will contribute to the growth of political development according to the extent to which it provides the opportunity for the maximization of the variables.

This Chapter will systematically analyse various institutional options and assess their implications in terms of the development variables. Alternative governmental structures will be assessed according to these two guiding principles: (a) their appropriateness to the present level of political development, and; (b) their ability

to promote further political development. It should be remembered that constitutional change is only one of a number of mechanisms which can be utilized for gaining political development and that constitutional change in itself may or may not lead to political development depending on how appropriate the nature and extent of the constitutional change is for the level of political development, and how it affects the variables of the development model. Constitutional change can lead to political development if the changes made to statutory structures and processes force poeple to think and behave in a fashion conducive to the maximization of the developmental variables.

As I cannot foresee what will happen in the upcoming Territorial and Federal Elections I will assess the institutional options assuming no substantial change in the makeup of either government. Quite clearly if a Conservative Government is returned nationally, or if a majority opposed to the present YTG position on constitutional reform is returned territorially a different set of factors could come into play.[127]

I. AN ASSESSMENT OF THE ONE-GOVERNMENT SYSTEM

Introduction

The establishment in the foreseeable future of a one-government system of responsible government replete with full provincial powers is the stated goal of the Yukon Territorial Council. The Federal Government on the other hand has repeatedly gone on record as supporting the gradual evolution of responsible government in the Yukon, while maintaining that responsible government does not necessarily mean provincial status. Quite clearly there are wide variations in the forms of one-government systems sought by the various actors.

A. POLITICAL CULTURE

As was indicated in the analysis of political culture in Chapter Two, the absence of a general agreement about the "meaning, means and ends" of political action, combined with two quite different orientations toward political participation showed that the Yukon does not have a coherent political culture, but rather two quite distinct, ethnically-based political cultures. Because of the bifurcated political culture there is some question as to the "character and intensity of the loyalties" of the Yukon citizen toward the general political system versus the subgroup to which he belongs.

Any one-government system in the Yukon must deal with this reality. Yet many of the members of the small 'c' group who are avid

pro-provincialists quite simply refuse to recognize the Indians as a separate entity and demand that they give up their special status under Canadian law as part of the land claim settlement. The Yukon Terms of Reference specifically indicate that Ottawa is willing to accommodate "the legitimate interests of all groups in Yukon society, especially those of the Indian and Metis people;" yet the Terms of Reference were rejected by Yukon Indians. The Indians intend to entrench in the land claim settlement accommodations which recognize their political culture. To date, neither of the one-government proposals recognize the growth and strength of Indian identity or the existence of two major political cultures.

Given the present political realities in the Yukon, such as the poor political communication between the leadership of the Indians and the YTG, the hostility between the Indians and some segments of the YTG state apparatus, the lack of sympathy for Indian aspirations by many of the small 'c' group, the Indians are not going to assume a secondary role in an expanded Territorial Council or in a provincial government which would essentially be an aggrandized version of the present Territorial Council.

As was observed in the theoretical discussion in Chapter One:

> Unless the individuals who are physically and legally members of a political system (that is, who live within its boundaries and are subject to its laws) are also psychologically members of that system (that is, feel themselves to be members) orderly patterns of change are unlikely.[128]

Most certainly to impose a one-government system on such a divided polity would be a major mistake. Such action would cause a further "hardening of the lines" and exacerbate problems of political communication thereby sowing the seeds of future trouble with regard to "orderly change."

B. Political Communication

The treatment of political communication in Chapter Two concluded that the Yukon suffers from a substantial incoherence in political communication. The absence of a generally accepted political vocabulary, the existence of a bifurcated informal communications process, and a lack of communication between the political leadership of the YTG and the Indian organizations are all the result of a lack of meaningful participation by Indians in the Yukon political process. The question is then: can a one-government system of more responsible government, which may or may not result in provincial status, provide the type of participation by all major subgroups in the Yukon which can overcome the present manifest problems of political communication?

Given the political reality outlined in Chapter Two, it would seem that only extraordinary measures could get the two societies participating meaningfully in the same political system. The YTG blueprint for the future as outlined in the "Proposed Yukon Act" does not provide for any role for Yukon Indians. The gerrymandering of four electoral seats does not guarantee even 25% Indian participation in the one-government legislative body. Quite clearly, nothing in the YTG's one-government proposals is likely to significantly improve the present dismal state of political communication in the Yukon.

As far as Ottawa is concerned "arrangements for promoting native participation in government at various levels, including

electoral residency requirements, constituency boundaries, a municipal ward system, representation on subsidiary bodies and employment in the public service," were to be considered by the Minister's Special Representatives for Constitutional Development in the Yukon. However, that process would have taken a year to make recommendations for promoting native participation, and in late 1978 there is no guarantee that there will even be such a process.

Clearly, the one-government suggestions to date are woefully inadequate when it comes to promoting to the type of participation which could have a positive effect on political communication. In fact, under present conditions, the one-government system would serve to maintain the status quo and intensify the already unsatisfactory situation.

C. Political Identity - Legitimacy

At the present time Yukon Indians do not identify with the YTG. In fact they have recently challenged the very legitimacy of the YTG by seeking to restrict the expansion of the YTG in some areas and by challenging YTG authority in others. There are no signs at the present to indicate that the YTG is overcoming its legitimacy crisis or developing a pervasive political identification among all major subgroups in the society. There is simply no reason to believe that the granting of provincial status on the one-government model as proposed by the YTG would improve the situation. In fact granting such great power to the YTG in face of its present identification and legitimation crises would serve to create even greater problems.

While the Indians have strongly rejected the transfer of provincial status to the YTG they have not, as was indicated in Chapter Three, totally rejected the concept of a one-government system. Yukon Indians want guaranteed participation in decision-making with respect to issues which concern them. It is also true that to many members of the small 'c' group, guaranteed representation is considered repugnant.

While it is clearly within the power of the Federal Government to develop a one-government system complete with guaranteed Indian participation which Indians could identify with, there is still the question of whether such a one-government structure would be considered legitimate in the eyes of the majority of Yukon whites.

It seems quite clear that the imposition of either, a one-government provincial model as proposed by the YTG, or a one-government model with guaranteed Indian representation would confront problems of legitimacy in one or the other society. These legitimacy problems would make it difficult, if not impossible, for the growth of a common political identification - perhaps the most crucial political belief in the formation of a new political system.

D. Integration

In Chapter Two it was reported that there was a general consensus that the Yukon is presently suffering from a lack of integration. The absence of the co-ordination and co-operation that are fundamental to the concept of integration makes the effective governing of the Yukon very difficult.

The imposition of a more powerful one-government system on

the present political reality would worsen the problems of integration, for the one-government system is predicated upon the subjugation of one group by the other. While some participation by individual natives may take place under present conditions, the genuine, enthusiastic and wholehearted support of Yukon Indians which is necessary to develop co-ordination and co-operation would not be forthcoming.

The consideration of one possible scenario which may confront a new Yukon provincial government should show the importance of establishing an ethnically integrated form of government before fundamental constitutional change takes place.

Historically the Yukon has experienced the boom and bust cycle endemic of colonial economies dependent as they are on the vagaries of external markets. The Yukon still has a colonial economy based on a single major, externally controlled, mineral resource extraction industry. The transfer of provincial status with jurisdiction over non-renewable resources to the economically underdeveloped Territory, particularly given the new province might be hard pressed to balance its budget initially, might result in a mining cartel making the new government "an offer it couldn't refuse" and in fact taking over control of the new province by dictating the boundaries of public policy. There is clearly no question as to the willingness of the mining industry in Canada to involve itself in politics wherever it may be, and this certainly holds true in the Yukon where it considers itself to be the indigenous industry. In July 1977 the Yukon Chamber of Mines threatened that "the vast majority of Yukoners will find their jobs in jeopardy," unless the Minister of Indian Affairs

and Northern Development, Hugh Faulkner, changes his present northern development policies.[129] While claiming they are not opposed to environmental concerns or native rights, the Chamber of Mines criticized the setting aside of 15,000 square miles of the Northern Yukon as a caribou refuge without consultation with the mining industry. On a number of occasions they have said they are strongly opposed to a land claim that gives control over a significant amount of land in the Yukon to the Indians.[130] A representative of the B.C. Yukon Chamber of Mines stated that it was "irrational" to give the Committee for Original People's Entitlement 37,000 square miles of land, because it serves to "balkanize the country" and "acts as an investment destabilizer in so far as the whole country is concerned."[131] The same representative earlier said that he was "insulted" that the Federal Government had acted on the development freeze on the caribou refuge without consulting the industry.[132] The Chamber also claimed that it was angry because industry personnel were not being considered for membership in the government apparatus which will regulate land permits for mineral exploration, after any land claims settlement within the Yukon.[133] Given that mining industry is willing to attempt to apply this sort of muscle when dealing with Ottawa, and given the experience of their direct involvement in the 1975 B.C. election in an attempt to topple the B.C. government, the scenario which would have them dictating to a weak, tiny, dependent Yukon provincial government does not seem far fetched.[134]

The mining industry is far and away the major industrial force in the Yukon and is very likely to remain so for the foreseeable future. The type of public policies demanded by the mining industry would most certainly be development oriented. These could conceivably include:

i) more easily attainable mineral exploration permits, less rigid exploration and operation regulations, and a series of government incentives and taxation write-offs for industry,

ii) the development, at public expense, of a major new hydro dam, which would provide abundant, relatively inexpensive power which may enhance the economic feasibility of marginally viable mining proposals,

iii) direct government financial support for the establishment of new mining operations, or at least government installation of the social and transportation infrastructure for new mining settlements.

This emphasis on non-renewable resource development and the maintenance of a "healthy business climate" (which would of course be supported by the Yukon's Chambers of Commerce and the small 'c' conservative group) would entail limiting of certain public expenditures so as to make way for spending sought by the industry. The first budgetary items to be cut in such an environment would be social services. Given the Indian concern for renewable resources development and the importance of social services for the development of the Indian community, the scenario which would have a dominated Yukon provincial government acting primarily to accommodate the goals of the mining industry would have a deleterious effect on ethnic integration.

Quite clearly a one-government model, whether based on the present system, a provincial system or an incrementally strengthened YTG, will not, given present conditions, provide meaningful Indian

participation. Without this participation the types of policies and programs which could strengthen ethnic integration will not be forthcoming. In fact, the policies of a one-government system designed to satisfy the goals of one group may conflict with the goals of the other groups thereby weakening ethnic integration.

This consideration of one possible scenario which could unfold under a one government model shows:

a) that the problems for political development of a one-government option are likely to be particularily difficult in the context of the Yukon's political economy, and;

b) the importance of establishing a functionally integrated (and otherwise politically developed) form of government before fundamental constitutional change such as provincial status takes place.

It should also be noted that the non-political development arguments utilized in this Chapter - such as economic environment, administrative efficiency, political feasibility - are of a contextual nature and are used to:

a) clarify and explain judgements regarding the effect of the various options on the political development variables, and;

b) fortify arguments regarding the plausibility or non-plausibility of the various options.

Conclusion

The foregoing assessment indicates overwhelmingly that any one-government system would fail according to both test principles. Not only is the one-government system inappropriate for the present relatively low level of political development in the Yukon, but given the condition of Indian opposition the establishment of a one-government system would quite clearly have a negative effect on all four variables.

Neither the traditional provincial paradigm nor the incremental transfer of power approach provides an extraordinary mechanism capable of developing the type of political participation that is necessary to develop a functionally integrated political system in the Yukon.

II. AN ASSESSMENT OF THE TWO-GOVERNMENT PROPOSAL

Introduction

The April 1978 CYI Draft Comprehensive Land Claim Package proposes the establishment of a two-government system. The Package outlined the criteria for a Central Indian Legislature, and proposed that Indians be given complete legislative and administrative authority over renewable resources for the whole of the Yukon and complete legislative and administrative authority over non-renewable resources on Indian lands. It also proposed a number of other jurisdictions which "must be exclusively legislated and administered by the Central Indian Legislative Arm."[135]

One government would be an outgrowth of the present Territorial Government and in general would represent non-native Yukoners living outside Indian jurisdiction. The other government would be a native government and would have control over the jurisdictions gained through the negotiation of the land claim. Government leaders would be chosen by the residents of each area who had resided in the area for a specified length of time. The structures of the governments would be up to each. Each government would have complete jurisdiction over certain matters such as education, health care, welfare, land management, justice, housing, taxation, local government, game and economic development for example, in their respective areas. Finally, each government would maintain a direct relationship with the federal government.

Advocates of the two-government system defend their position by arguing that because of the insensitivity to native concerns, and the lack of respect for Indian cultural assumptions which exists among the small 'c' conservative majority in the Yukon, Indian aspirations could never be satisfied within a one-government system. They point out that a precedent for special status for Indians already exists under the Indian Act in which Indian bands have their own governments which can deal directly with Ottawa. The colonization of the Yukon has resulted in the uneven development of Yukon society along racial lines - with the Indians suffering economic, social, cultural and political deprivation. The Indians feel they have been treated as second class citizens by the YTG,[136] and point out that the overtures made by the YTG to accommodate Indian participation are the result of Federal pressures and not a YTG change of heart. The Indians insist that for a one-government system to work there would have to be a major change in the attitudes prevalent in the YTG. The proponents of the two-government system do not foresee that significant change transpiring in the near future given the present YTG policies and personalities.

The Indians are concerned that to participate in the YTG now will lead to the eventual assimilation of the Indian society into the non-native mainstream. Two-government supporters argue that the Indians are not yet ready to participate as equals in the whiteman's structures. They point out that the Indian society must first undergo a great deal of development to overcome the deprivation and under-development which is their present lot. The advocates of the two-

government system maintain that only through the independent control of their land, resources and society can Indian people develop the personal pride and cultural integrity to ensure a strong Indian community and the successful implementation of the land claim settlement.

A. Political Culture

The separation of the two societies into formal political systems would separate both the political and the non-political socialization experiences in the Yukon along racial lines. Because a political culture is the product of both the collective history of the political system and the life histories of the members of that system, and thus is rooted equally in public events and private experiences, the development of two formally separate socialization processes would further strengthen and entrench the two separate and distinct sets of fundamental beliefs and attitudes about politics. The imposition of such a system on the present day Yukon would be opposed by many people within both societies. A two-government system would require an extremely high level of political development. It would demand political cultures which could provide a great deal of mutual respect, trust and tolerance between the two societies which shared the same geographical area. The mutual suspicion, hostility, fear and intolerance which characterizes YTG-Indian relations, exhibits conclusively that the Yukon is many years away from this level of political development.

Government is expensive and the total duplication of infrastructure and services for the two societies would be very expensive in the Yukon.

B. Political Identity - Legitimacy

Through the institutionalization of commitment to two separate sets of political symbols, that is development of identification with and loyalty to ethnic structures, the two opposing political cultures would be further entrenched. On the other hand the claim for legitimacy of the two-government system would be challengned by other authorities in the society. While the Indian concern about assimilation is justified and their cultural, social and economic goals are commendable and while it is important that the Indian people gain the economic and political power through the land claim settlement to allow them to develop their society as they see fit, it seems doubtful that the degree of separation demanded by a two-government system is either realistic, necessary or in the Indians best interest. Unlike the Northwest Territories where the Dene have made an arguement for jurisdictional independence based largely on geographical separation, in the Yukon, with the exception of Old Crow, the vast majority of Indian people do not live isolated from the white community. While the Federal Government may be willing to give Indians some real economic and political power, so as to give them a stake in the development of the Yukon, it is quite clear given the vehemence of Ottawa's response to the Dene that the Federal Government will flatly reject a two-government proposal from Yukon Indians. The entire concept of a two-government system lacks legitimacy in the eyes of both the Territorial and Federal Governments. This is particularily so for the Territorial Government considering that the CYI two-government proposal insists that Indians be given complete legislative and administrative

authority over renewable resources for the whole of the Yukon.

C. Political Communication

In a two-government system each political system would have an informal process of person-to-person communications, in addition to a high technology professional communication network. The existence of two formally separate communications systems would exacerbate problems of political communication in the Yukon by obviating the need to work out a common political vocabulary in order to establish realistic political communication to solve common political problems. Under present conditions the two-governments would likely have to communicate through Ottawa.

D. Integration

It was stated in Chapter One that a highly divided polity needs mechanisms and behaviour which foster integration more than a less divided society. The two-government system makes no effort to develop a mechanism or a behaviour which fosters integration as it places no emphasis on co-ordination or co-operation. Rather it surrenders to the divisive effects of the social structure. The two-government system implicity argues that all governmental options which might have enabled the Yukon to function as a coherent unit have been tried and failed.

If Yukon Indians gain a just and satisfactory land claim, then they can still do a great deal in terms of the personal and collective development of the Indian people without isolating themselves politically from the white community. For regardless of what jurisdictions the Indians gain through the land claim the YTG will

continue to play a prominent role in the Yukon. Because of the inter-dependent nature of Yukon society many YTG decisions will have an impact on Indian land and policies. For instance a decision to build a mine or smelter on YTG land may pollute Indian waters downstream, or lax YTG hunting laws may allow the slaughter of wild game Indians rely on when it migrates off of Indian land. For such reasons to isolate themselves politically from the YTG will not be in the Indians best interests. Rather what is necessary is some mechanism which will allow Indians to have input into YTG decisions and vice versa. While it is true that the YTG and the Indians do not presently trust or respect each other it is also true that the development of a degree of mutual respect and tolerance is necessary if a polity is to successfully develop a functionally integrated political system, one capable of establishing collective goals and ironing out problems peacefully. Realistic participation is the key to developing this trust and respect over the long run and political isolation into hostile camps is certainly not the best way to gain the type of participation that can provide input into one another's decisions.

Summary

Any deviation from the traditional one-government parliamentary paradigm or any recognition of special status for Yukon Indians is bound to cause some backlash among the small 'c' group in the short run and therefore should not be considered a prohibitive factor when debating constitutional change. However, to impose a rigid ethnic-based two-government system on the present political scene would cause a rapid and hostile polarization into opposing political camps. This

would serve to further entrench the alienation that already exists between the two political cultures. The possibility of the development of a common political identification would be weakened as each subgroup would focus its loyalties on its own structures. Political communication between the two societies would be harmed by the hostilities which would accompany the imposition of a two-government system on the present Yukon Territory. By its very nature the two-government concept assumes territorial integration in unattainable.

Conclusion

The rigid and formalized separation of the Yukon into two political systems has been shown to be inappropriate for the Yukon at the present time. The imposition of a two-government system would have a negative effect on all the variables and subsequently would be totally incapable of promoting further political development in the Yukon. However its attainment is unrealistic and even if it were attainable it is not necessarily the only system capable of facilitating the development of the Indian society, in fact for many real reasons it is not even in the Indians best interests. Many white Yukoners can understand, given the Indian's experience with the YTG, why the Indians would at least consider a two-government system. The two-government system would, however, politically alienate even those whites whom the Indians can work with, for the finality of the two-government system concludes that all options which may be capable of promoting the maximization of the variables have been tried and have failed. This is simply not true.

III. A MODIFIED TWO-GOVERNMENT SYSTEM

Introduction

Neither the present Territorial Government structure, the traditional provincial parliamentary structure, nor the separate government proposal is appropriate to the present level of political development or capable of promoting the degree and character of political development that is necessary in the Yukon. While the present structure is unsatisfactory for all concerned, the Indians feel the one-government proposals are assimilative and the majority of the white community consider the two-government proposal segregative. It is quite clear that the maintenance of the present structure or the adoption of the other proposals would have a negative effect on the already relatively low level of political development. Some results might be: a worsening of the legitimacy crises of the various authorities through

1) increased challenges to YTG authority by the Indians,
2) confrontation (or a lack of co-operation) in the implementation of the land claim settlement by a hostile Territorial Government and
3) continued intervention of the heavy hand of the Federal Government in Territorial politics;

the aggravated incoherence of political communication as a result of intensified distrust and resentment; the further entrenchment of opposing political identities and cultures as a result of an overall "hardening of the lines"; an intensification of the already widespread cynicism about institutional politics in the Yukon, and; a general heating up of ethnic and political tensions as a result of the increased intransigence of the various actors - all of which could

result in a real potential for political violence.

The question is then, what sort of governmental structure should emerge in the Yukon? The Indians have some strong arguments given the needs of their society and the nature of the small 'c' conservative group as to why they should have some real power over their land and society. Given their experience it is unlikely that the Indians would participate in any joint structure unless it was unequivocably to their advantage to do so. While Ottawa could establish meaningful Indian participation through guaranteed representation, it is unlikely Yukon Indians would, at this point, accept anything less than 50% representation and as has been stated, given the present level of political development in the Yukon, such an option is unrealistic. A second structure which would be unworkable would be one that simply eradicates one side or the other. The Yukon's political problems will not be solved by simply ignoring the other group - neither the Indians nor the whites are just going to go away. Political structures which are inappropriate for the level of political development in their society because they ignore the major social tensions within the society face a tenuous existence.

In Chapter One it was noted that integration can be measured by considering "the extent to which integrative factors, whatever their nature, counter the divisive effects, whatever they may be, of social structure." It was also noted that for a polity which is internally highly divided to be successful mechanisms and behaviours which foster integration are necessary to an even greater degree than in a less divided society. The Yukon is a highly divided society but the mechanisms and

behaviours which foster integration are not strong. If the Yukon is to ever have a political system capable of functioning as a coherent unit, it must have a statutory mechanism to which people turn in order to solve conflicts peacefully, making binding collective decisions without delay and define collective goals. Realistic participation by all the major subgroups in the political system is the essential key to expanding the strength of integrative factors. The system which is appropriate to the present level of political development in the Yukon and which provides a mechanism in which it is to the self-interest of both the white and Indian societies to participate, thereby providing a potentially conducive environment for the type of behaviour which can lead to the growth of the developmental variables, is a modified two-government system which can be termed the two-government plus system.

THE TWO-GOVERNMENT PLUS SYSTEM

Introduction

It seems likely that at some point in the future every piece of land in the Yukon, with the exception of National Parks, will be controlled by one of two groups. Through the land claim settlement the Indian people will have control over certain lands and certain jurisdictions which are of interest to native people. Through ongoing negotiations with Ottawa the YTG will have control over certain lands and jurisdictions. Because of the nature of the Yukon there are programs, and issues, the jurisdiction of which extend beyond boundaries of land and are of interest to both societies. Education, game use, justice and land use are just four examples. Understandably neither the Indians nor the YTG will want to give up their hard earned control over their lands or jurisdictions and both will want a hand in shaping policy that will effect these lands and jurisdictions. So for these and other reasons, such as a concern for efficiency, it will also be necessary to have a single Territorial joint authority which can provide a forum for meaningful and ongoing negotiation and decision-making by representatives of both societies.

It is not the purpose of this thesis to debate the makeup of the joint authority, determine how issues would be referred to it, or other specific details. The specifics of any new statutory structure will be subject to precise and detailed negotiation among the actors. Rather the purpose is to outline some general guidelines which must

be met if the Yukon is to develop a functional political system. It is the conclusion of this thesis that the two-government plus system can be a major initial step in that direction. It must be kept in mind that the constitutional development of a two-government plus system is only one step in a long slow process of political development for the Yukon. There is no suggestion that the joint authority mechanism or the two-government plus system in general is ideal, far from it. In fact, given the realities of Yukon politics it would be difficult to hammer out the details of the process-each actor would have to be committed to developing a workable system - and its operation would no doubt, at times, seem awkward. Nevertheless compared to the one and two government systems it looks good.

A. Political Culture

One reason the two-government plus system looks good is that it meets the requisite condition of being appropriate to the present relatively low level of political development. Unlike the one and two-government systems it does not demand a higher level of political development than the Yukon could realistically provide. In Chapter Two it was found that a contributing factor to the Yukon's present level of political development, was the fact that the Yukon has two distinct ethnically-based political cultures. The two-government plus system recognizes the reality of the dual political cultures and leaves the two societies free to develop their own mechanisms for administering their own land and jurisdictions. In doing so this form of government does not subjugate either society by necessitating co-optation or token participation by one group in the structures of

the other, and it does not force the two societies to interact through a third actor. Because it recognizes the desire of each society to have a significant degree of self-determination it removes from joint jurisdiction, or control by the other group, certain functions which each group views as essential to its well-being. For instance each group would want control over local government on its own land. This alone makes it preferable to the one-government model. At the same time however, it is appropriate for an interdependent polity such as the Yukon because it provides a mechanism for jointly deciding, through ongoing negotiations and bargaining, issues which inevitably will affect both societies.

While the two-government plus system provides an environment which allows the two societies to live out their fundamental differences it also demands from all Yukoners the growth of a new set of fundamental attitudes which will provide the underlying assumptions and rules that will govern behaviour in a system of joint government.

B. Political Identity and Legitimacy

An identification with and a sense of loyalty to the two-government plus system will only develop if each of the actors feel it is in their self interest to make the system work.

Yukon Indians

If Yukon Indians get a settlement they are satisfied with then it would clearly be in their best interest to participate in the joint governing of the Yukon. This system does not subjugate them or demand only token participation. In additional it allows them the freedom to develop their own society as they see fit. However, if

the Indians are forced to settle for an unsatisfactory settlement they may be angry and bitter and boycott any joint process.

White Yukoners

The general white population in the Yukon will not be giving up any power in the two-government plus system. Rather they will have even greater power over their own land and jurisdictions. They will simply have to decide collectively with the Indian people, through their respective representatives in the joint authority, issues which affect both societies. In fact by proving to Ottawa that white and Indian Yukoners have the maturity to make collective decisions, iron out problems and establish collective goals and a united Yukon voice on issues, they will have deflated Ottawa's major argument for withholding the transfer of additional state power. By participating in a system which provides the real opportunity for the maximization of the variables, white Yukoners will help develop a less hostile, more congenial environment in which to live and raise their families.

By providing a forum which each group will benefit from participating in the joint-authority should provide the two-government plus system with a legitimacy in both societies which the present system now lacks. A system which enjoys legitimacy in both societies, should generate a generalized state of identification towards itself by providing a common political symbol. This common identification could provide the basic sense of unity which the Yukon presently lacks and neither the one nor two-government system could possibly provide. For only if the state structures are considered legitimate by both

white and Indian Yukoners can the sense of "community" which is necessary to allow the Yukon political system to carry out its state functions, develop. This sense of "community" can only develop if members of both major groups in the Yukon feel that the state belongs "equally to everyone."

Ottawa

The Federal Government insists that further political maturity is necessary before it can hand over greater powers to the Yukon. Ottawa has reiterated that the participation of native people in the government of the Yukon is one aspect of that maturity. It was indicated in Chapter Three that Ottawa is concerned with developing a system which will bring out what they feel is the moderate majority of both ethnic groups in the Yukon. The attractiveness of the two-government plus system is that persons of either race can meaningfully participate in the governing of the Yukon. Any person, that is, except those who refuse to work with people of the other race. If Ottawa is serious in its stated desire to see further political development in the Yukon through co-operative political action the two government plus system-joint authority mechanism provides a structure they could easily support.

C. Political Communication

By providing a common forum for the ongoing negotiation and debate of issues, the two-government plus system would necessitate the development of a common political vocabulary which should facilitate more coherent political communication between the sectors of society. The fact that issues of common concern are dealt with in

a common forum should: encourage more person-to-person communication between members of both groups at both the elite and mass levels, and; create a need for the political communication system to penetrate each segment of society and concurrently create the need for each segment to be receptive for its own self-interest to the messages of the Yukon's political communication system.

D. Integration

Legitimacy and identity crises are often the result of ethnic cleavages particularily in economically underdeveloped or developing polities where class is not yet the predominant stratification. Because of this governing elites (who are likely to be members of one of the ethnic groups) view the demands of subgroups for control over their own territory or corporate forms of representation with considerable alarm. The governing elites would argue that these accommodations are contrary to the principles of national (or provincial or territorial) equality and identity, and that decentralization will erode both national power and loyalty.[139] Members of the governing elite in the Yukon who are all members of one ethnic group and for the most part members of the small 'c' conservative group, do indeed use the equality, identity, power and loyalty arguments. Yet as has been shown neither territorial equality, territorial identity, nor territorial loyalty presently exist in the Yukon and territorial power is very limited. Nonetheless, members of the small 'c' group would attack the accommodations proposed in the two-government plus system on the grounds that it is ethnic government and contrary to the principles of equality and identity, and harmful to power and loyalty in the Yukon. However,

the two-government plus system is not ethnic government. While it recognizes that each society will have control over land and jurisdictions in the future, it does not suggest that the Indians would have power to do whatever they want. The YTG will have power and the joint authority will have power. In fact neither group would be free to act unilaterally but would be restrained by approval of the joint authority in matters of mutual interest. The two-government plus system will not threaten equality, identity or loyalty in the Yukon by exacerbating the ethnic cleavage - present trends will. Rather by facilitating real development in the Indian community it will enhance territorial equality. By providing a structure which reflects the divergencies within the society while bringing the two ethnic groups together in the same institution, the two-government plus system provides the opportunity for the growth of a genuine, pervasive,identity and loyalty toward the Yukon political system. In providing the opporunity for development in the direction of territorial equality, identity and loyalty the two-government plus system can also encourage the co-operation and co-ordination that are fundamental to the concept of ethnic integration. The two-government plus system would force the two societies to work together and presumably successful experience in working together would develop a predisposition for working together. In addition an ongoing experience of reasonably successful co-operative action would deflate Ottawa's major argument for not transfering greater state power, thereby providing the real opportunity for the growth of territorial power.

Summary and Conclusion

The two-government plus system recognizes the dual political

cultures of the Yukon and the corresponding desire of each group for a significant degree of self-determination. This system allow the groups to live out their differences by leaving each group free to develop its own political and administrative structures and by removing from joint jurisdiction certain functions each group views as essential to its well-being. At the same time, and unlike the one and two-government options, this system will have legitimacy in both societies because it provides a common forum which each group will benefit from participating in and Ottawa will benefit from supporting.

In providing a common forum for ongoing negotiation and debate on issues of mutual interest this system necessitates the development of a common political vocabulary which should improve political communication between the two groups. By forcing collective decision-making this system will show that the two groups can work together which should in turn develop a predisposition for working together thereby facilitating political integration.

General Conclusion

The two-government plus system is clearly the most satisfactory of the three options analysed for satisfying the general guidelines which a functional political system in the Yukon must meet. While it provides each of the societies with the maximum possible amount of independence, it also provides a common forum for undertaking the joint decision-making which is necessary in the interdependent Yukon.

While the system is not ideal and would confront problems, as would any new structure, it is far better given the concerns of each

society than the one or two-government systems. It is quite clearly in the self-interest of both Yukon societies to participate in it and in the interest of the Federal Government to support it. The two-government plus system is appropriate to the present relatively low level of political development because unlike the one and two-government systems it does not demand a higher level of political development than the Yukon could realistically provide. In the final analysis "integration is the extent to which integrative factors...counter the divisive effects...of social structure." The two-government plus system provides an integrative mechanism, the joint authority and integrative behaviour, realistic participation by both groups in a common forum. The successful realization of these integrative factors can lead to a growth in the individual variables and of their collective result, the overall level of political development. For these reasons the two-government plus system is the option most likely to provide the Yukon with a functional political system.

CHAPTER FIVE

CONCLUDING OBSERVATIONS

There is general agreement among white and Indian Yukoners that the present statutory structures are no longer satisfactory for the governing of the Yukon . This thesis shares that sentiment. Premised on the assumption that political development is important, this work assesses three forms of government which the Yukon could adapt in moving toward constitutional change. This thesis argues that prior to actually undergoing fundamental statutory change - such as provincial status - a polity must determine in a realistic and honest fashion its present level of political development, and then develop a form of government which is appropriate to that level, as well as capable of promoting further political development as defined by the variables of the development model.

Yukon pro-provincialists either make no distinction between statutory change and political development, or they have considered the form of government question and found the traditional one-government parliamentary model satisfactory for the present level of political development and capable of promoting further political development. However it has been argued here that the one-government option, in either its provincial status or incrementalist versions, fails to meet the political development test at this time because it excludes serious participation by a large percentage of the Yukon's permanent population. The two-government model is, first, unrealistic for an interdependent polity like the Yukon and, second, not in the best

interests of either white or Indian Yukoners. The two-government system would demand a very high level of political development to be successful. The one-government model demands at least a relatively high level of political development. Quite clearly neither of these options is appropriate for the present day Yukon, with its relatively low level of political development. Neither of these models would be legitimate in the eyes of all the major subgroups in the Yukon. Without that legitimacy neither the one nor the two-government system can provide the realistic participation that is necessary to lead to the growth of coherent political communication, a common political identification or an ethnically integrated society.

The only system which is appropriate to the present relatively low level of political development and capable of promoting the growth of political development is the two-government plus system. It is appropriate because it allows the two societies the maximum possible amount of independence while also providing a common authority to undertake joint decision-making. It is capable of promoting further development because it provides an integrative behaviour, realistic participation by both societies in a common forum, and an integrative mechanism, the joint authority, which can provide the opportunity for the maximization of the variables.

Political development is not an abstract concept. A polities level of political development can be measured in terms of the relationship between the economic, political and social factors alive in a polity at a given time. The political, economic and social environment of the Yukon is presently in a state of flux. Economic events (the approval

of the Pipeline) are mixing with social phenomena (the politicization of Yukon Indians; the development of a realistic Yukon territorial political party system) to electrify the political atmosphere (increased pressure for the settlement of the land claim; intensification of the form of government debate). In such a situation analysts who attempt to congeal events in order to analyse, soon find their work relegated to the stockpile of historical data. The sparce collection of scholarly literature on political development in the Yukon provides an interesting historical perspective, but is, for the most part, not relevant for todays rapidly changing situation. Either because Canadian political science is slow to turn its head in the direction of new trends in Canadian politics (this was the case for the study of provincial politics which is now very much alive) or because few Canadian political scientists are foolhardy enough to undertake analysis of events that are changing daily in the peripheral areas of the country, little recent scholarly work has been undertaken on the politics of the Canadian North in general and the Yukon in particular. Nevertheless the Canadian North and the Yukon will undoubtedly become of increasing importance to Canada's political and economic future and will, no doubt, therefore be found worthy of scholarly attention.

There are many interesting matters in the Yukon which invite further study by Canadian social scientists:

i) A serious territorial political party system will emerge in the Yukon in the November 1978 election. This affords analysts of party systems and electoral behaviour the opportunity to study the formal development of a Canadian party system first hand.

ii) The study of regional and provincial political cultures has become an area of some interest in recent years.

The existence of two political cultures in the Yukon furnishes students of political culture with a rich opportunity to study the dynamics of political culture-political system relationships. Survey research on a wide spectrum of attitudes and issues is needed in the Yukon.

iii) While it has only been organized since the early 1970s, Yukon Indian politics, both in terms of its relationship with the other two levels of government and in terms of inter-Indian organization politics, would make an interesting study. It is likely, however, that such a work should await the settlement of the land claim and the form of government question.

iv) There is a growing body of literature in Canadian social science on the political economy of cities and provinces dominated by a single industry. This domination is the historic case for the Yukon and a fertile area of research for students of power politics.

v) The economic needs of the Canadian South have played an important role in the political development of the Yukon. There is a need for further work on Yukon politics utilizing the political economy approach and the core-periphery model.

vi) As this thesis assumes and the Canadian experience indicates political institutions are important in Canada. In 1978 some traditional Canadian structures are being questioned as to their appropriateness for the future - this is also the case in the Yukon. There is a great deal more work needed to monitor and assess this period of transition in the history of the Yukon and its political structures. Hopefully this work will contribute to our understanding of the Yukon's political development while offering the reader some additional thoughts to apply to his/her consideration of constitutional change in the Yukon.

FOOTNOTES

1. Figures from Statistics Canada estimates April 1978, and Health and Welfare Canada estimates 1978.

2. Figures from Statistics Canada, includes employees of government enterprises.

3. Canada, Department of Indian Affairs and Northern Development, Preliminary Estimates Economic Accounts 1978, figures for calendar year 1974.

4. Yukon, Commissioner, Annual Report 1977, pp. 56-57.

5. Preliminary Estimates 1978.

6. "Government Immature - Can't Deal with YTG Says YNB Pres," Whitehorse Star, 8 February 1978, p. 8.

7. "Feds Veto MLA's Bill," Whitehorse Star, 22 November 1977, p. 1.

8. "MLA's Backdown on Name with 'Territorial Council' Bill," Whitehorse Star, 21 April 1978, p. 3.

9. The YTG controls less than 400 square miles of land in the Yukon. It also develops serviced lots for the towns and cities. The YTG would like to increase the number of serviced lots in settlements such as Haines Junction and Watson Lake but because of the land claim they have a great deal of difficulty getting land from the Federal Government. Lineups to buy serviced lots when they go on sale are common. The nature of serviced lot dispersal and the percentage of lots reserved for contractors are two examples of issues which have caused conflict between the general public and the contractors, contractors and the YTG, the YTG and municipal governments and all these groups and Ottawa. For an example of the friction caused by the land question within the white community see: "Talk, No Action on Land," Whitehorse Star, 7 September 1977, p. 9.

10. Annual Report 1977.

11. Yukon, Yukon Territorial Council, Standing Committee on Constitutional Development for Yukon, Second Report 1977, "Proposed Yukon Act."

12. "Trudeau Kills Provincial Status," Whitehorse Star, 5 August 1977, p. 1.

13. "The Land Claims Package: An Assessment," Yukon Indian News, 20 June 1978, pp. 6-7.

14. The three actors referred to are the YTG, the Federal Government, and the Yukon Indians. There are four political groups within the Yukon Indian Community. The YNB, the Yukon Association of Non-Status Indians (YANSI), The Council for Yukon Indians (CYI), and the Yukon Indian Womens Association (YIWA).

15. J.D. Hillson, "Constitutional Development of the Yukon Territory 1960-1970" (M.A. Thesis, University of Saskatchewan, 1973); Kenneth M. Lysyk, Edith E. Bohmer, and Willard L. Phelphs, Alaska Highway Pipeline Inquiry (Ottawa: Supply and Services Canada, 1977).

16. Gurston Dacks, "Integration, Federalism and Authority: The Canadian Case" (Ph.D. dissertation, Princeton University, 1975).

17. Lucien W. Pye, "Identity and the Political Culture," in Crises and Sequences in Political Development eds., Leonard Binder et al. (Princeton: Princeton University Press, 1971), pp. 104-5.

18. Sidney Verba, " Comparative Political Culture," in Political Culture And Political Development, eds. Lucien W. Pye and Sidney Verba (Princeton: Princeton University Press, 1965), p. 522.

19. "In a relatively stable political system in which all functions and processes tend to reinforce and support each other, there is likely to be a coherent political culture in which the orientation of both the citizens and leaders are mutually compatible." Pye, "Identity and the Political Culture," p. 102.

20. Pye, "Identity and the Political Culture," p. 105.

21. Verba, p. 529.

22. Pye, "Identity and the Political Culture," p. 105.

23. Verba, p. 529 and Pye, "Identity and the Political Culture," p. 102.

24. Verba, p. 530.

25. Pye, "Identity and the Political Culture," p. 116. Throughout the above I have been freely substituting the sub-national level (provincial) for the national. I have done so because the same set of identifications and orientations that are necessary at the national level in a federal system are necessary at the sub-national level in order to develop the loyalty that is essential to allow the sub-national level of the state to carry out its state functions. Secondly, because these concepts are useful when focusing, as this thesis does, on: the level of political development in the Yukon today, and; the possibility and nature of constitutional change in the territory. The concepts are not rendered useless by the substitution but rather continue to hold true. In addition substituting province for nation should help the reader relate the general theory to the situation in the Yukon.

26. Pye, "The Legitimacy Crisis," in Binder et al., p. 138-9.

27. Myron Weiner, "Political Participation: Crisis of the Political Process," in Binder et al., pp. 189-190.

28. Lucien W. Pye, "Communications and Political Development," in Aspects of Political Development (Toronto: Little, Brown & Co., 1966), p. 154.

29. Dacks, p. 5.

30. Ibid.

31. Ibid., p. 8.

32. "In this sense the term resembles the term 'development'. Like it, it should not be assumed to imply that change will occur in any particular direction nor even that any change at all will take place. There is nothing necessary about integration. Accordingly, it should not necessarily be sought after in all situations. If a polity cannot realize the socially creative potential of its differentiation, but only repress or frustrate it, an adequate level of integration is unobtainable. In such a case, it would be preferable for a polity to frament into the units which permit the irreconcilable segments to live out their identities." Ibid., p. 9.

33. Pye, "Identity and The Political Culture," pp. 104-5.

34. Verba, p. 522.

35. For a more in depth analysis of the divisions of attitudes toward the Yukon which emerged from the Lysyk Inquiry submissions see: Julie Cruikshank, "Myths and Futures in the Yukon Territory: The Inquiry as a Social Dragnet," paper presented to The Association for Canadian Studies, University of Manitoba, Winnipeg, Manitoba, 16 May 1978.

36. Julie Cruikshank also noted this intolerance and ethnocentrism in her analysis of the submissions of this group to the Lysyk Inquiry:

...their presentations suggest that they are completely confident that their hopes, aspirations, likes and dislikes are the same as those of the community as a whole. They appear to be personally affronted by the concerns raised by environment or Indian groups. (my emphasis) Ibid., p. 25.

They equate the pipeline with progress, and...dismiss social and environmental concerns as 'garbage' and opponents of the pipeline as 'layabouts on welfare.' Ibid., p. 30.

37. Unless the outsiders happen to agree with them. See John Lammer's column "Intervention or Support," Yukon Indian News, 23 May 1978, p. 2.

38. See Yukon Indian News which runs a regular children's page, designed to teach traditional Indian legends. The Yukon Indian News also runs numerous other stories relating specifically to "what it means to be a Yukon Indian." The Council for Yukon Indians regularly includes a supplement in the Yukon Indian News. This supplement often presents stories of cultural or historical value. The Yukon Indian Brotherhood has developed a Department of Education.

39. Yukon Indian Society is not homogeneous. Yet, while there are differences in emphasis within Indian society, there is no public group of Indians who reject categorically the Indian culture, world view or view of the future. There is a general agreement among the Indian organizations, which represent the divisions within the Indian Society, about what is necessary for Yukon Indians in the future. Disagreements, which usually manifest themselves in the lively Yukon Indian political process, tend to be of a policy nature (that is, what "means" to use to attain the "ends") rather than of a fundamentally philosophical nature. (That is, disagreement over the "ends").

40. Cruikshank. p. 7.

41. The point regarding socialization is important. It was indicated in Chapter I that for determining the strength of the political culture of the general society versus the strength of the political culture of a sub-group within the society, it is important to have a sense of how and by whom the deeply rooted psychological orientations are primarily taught. While it is true that mainstream, white, North American cultural and political values are being transmitted to Indian children through the television, magazines, advertising, and the schools, it is important here to note the increasingly important socialization role being played among the Yukon Indian society by the Indian organizations. This is a particularly important factor given the the role models presently being provided by the young Indian political leaders, for even younger Indian people.

42. In the words of one Indian man who spoke to the Lysyk Inquiry:

> I'd like to point out that a lot of the people that have been so outspoken in favour of the project have come to the Yukon and looked at the Yukon as a profitable frontier. I don't think that's a Yukoner. I think a Yukoner is a person that's been here and treats the Yukon as a home, not as a profitable frontier.
>
> Alaska Highway Pipeline Inquiry, Haines Junction, H. Kane, v. 15, p. 2170.

43. That is, structures like those they left behind. Cruikshank, p. 26.

44. Some older Indians, who have, over recent years become increasingly politicized, often through their work on the land claim or with the Indian organizations, also realize the need to develop debating skills and have taken such steps themselves, as well as encouraged others.

Paul Birckel, former chief administrative officer of the CYI stated that if the Indian people are going to participate in politics fully they must "learn to run meetings, learn the rules of parliamentary procedure, and learn to debate." According to Brickel, "Indians still take things too personally in debate." He feels that at the present time "very few of our people are capable of standing up and arguing with some articulate redneck." Interview, 4 April 1978.

45. Daniel Johnson, former Chairman of the CYI told a packed workshop on "Political Development in the Territories" at the Canadian Arctic Resources Committee Conference in Edmonton in February, 1978 that only a "facade of democracy" exists in the legislative assembly form of government because EXCOM (Cabinet) rule lacks "people participation".

46. Recent disputes have centred on issues such as: who should provide native health care, the remedial tutoring program, and who should regulate Indian hunting rights.

47. Julie Cruikshank found in her analysis of the presentations of these two groups to the Lysyk Inquiry a fundamental difference in attitude toward government:

In addition to the very deep cultural gulf which divides this group from Indian groups is the fundamental belief of these individuals that the government will protect them and the equally fundamental belief of Indians that the government will <u>not</u> protect their interests and rights.

Cruikshank, p. 32. See also pp. 17, 29, 30, 31.

48. By 'uniformity' I don't mean that each media outlet provides a uniform analysis. Editorially each media outlet is free to take independent positions on issues, yet the liberal press in Canada - and the Yukon is no different - sees its role to be the provision of objective reporting of the international, national and local news. The publication of a particular group in society may be established to encourage communication and the flow of information within the group and published stories will be chosen accordingly. A group publication can direct messages at those outside the organization, remain editorially independent of elements within the group, provide a forum for the debate of issues by elements of the group, and still need not labour under the pretense of 'journalistic objectivity' in the presentation of all the news.

49. It was mentioned by a number of respondents that a unique characteristic of Yukon politics is the fact that because of the small number of people in the Yukon generally, and in each society particularily, any issue soon becomes 'personality politics.' Consequently person-to-person communications and personal influence are very important.

50. In both the Yukon and Ottawa interviews I asked a question which refers directly to this issue of 'opinion leadership' and 'credibility' in both societies:

> Given the many problems which presently divide the Yukon, is there anyone, either within the Indian organizations or the YTG organization, or outside those organizations but within the Yukon, who can provide the leadership to unite the Yukon?

The main answer was that there was "no one at the present." Some respondents felt that there are a few people who are not presently involved in the YTG or the Indian organizations who may one day emerge as leaders who could enjoy credibility in both societies. Of all the present white and Indian politicians, a few were considered to have this broad leadership potential, however there were no unanimous choices as to which politicians these are.

51. Gordon Steele, the YTG Land Claims Administrator, says there is a lack of communication at both the political and administrative levels. He argues that because of the infighting among the Indian organizations, and the varying mandates of the different organizations, the YTG has a hard time relating. "Whom do you talk to?" Interview, Whitehorse, 5 April 1978.

Dave Joe, CYI Chief Negotiator, feels the YTG leaders are operating in a unilateral fashion under the impression that "things are unfolding as they should." The YTG and the Indian organizations will continue to talk past each other until "the present battering ram approach to politics is done away with" and compromise is sought. "A prerequisite to compromise is the recognition by the YTG that the native people are the land owners." Interview, Whitehorse, 14 April 1978.

Ron Hobson, Associate Chief of the Territorial Division of DIAND, says that "misunderstanding and a lack of direct communication between YTG administrators and Indian organization administrators are major problems." Interview, Ottawa, 16 May 1978.

Peter Gillespie from the Policy Division of DIAND and a former YTG Assistant Commissioner, feels that "a major problem...(at the political level)...is the lack of understanding - everytime something happens that might lead to communication its blown somehow." In Gillespie's opinion "a major characteristic of Yukon politics is for both sides to make political statements which drive the two sides apart." Interview, Ottawa, 19 May 1978.

Dorthy Wabisca, the Special Adviser to the Commissioner on Native Affairs, offered these thoughts on political communication in the Yukon.

There are major problems of political communications, for instance, how can the YTG say that the Meaningful Government paper accommodates Indians when they never thought to ask Indians in advance if it accommodated Indian interests and aspirations? Attempts at communication are often one-sided. Indians have learned to understand the whiteman's ways of government, but whites have not given an equal amount of effort to understanding the Indian ways - both political and cultural. This attitude has historical roots, ever since whites first met the Indian people (missionarys, mounties) they have said we must take care of these Indians - they never thought to ask the Indians about their feelings. Part of this problem is the lack of commonly understood political vocabulary. To resolve this problem we must sit down at a table and say this is what I mean by this, what do you mean? Interview, Whitehorse, 10 April 1978.

52. "YNB has reviewed the position which Dorthy Wabisca now holds and has found that the job does not meet the requirements for establishing effective communication between the native people and YTG. The YNB executive council feels this position is only serving the interests of the Territorial Government."

"YNB will not recognize position," Yukon Indian News, 10 November 1977, p. 2.

It became obvious during the interviews that a major question remains regarding the sort of job Wabisca is capable of doing. This is the result of the lingering doubts about the extent of support she enjoys at the Indian Centre and within the larger Indian society. She claims that the position is acceptable at the mass level, "I've received encouragement from "just people" but not from the leaders." A person who works at the Indian Centre told me "Dorthy Wabisca is now blacklisted, people will talk to her superficially but they won't really open up to her as they don't know whether they can trust her." Interview, Whitehorse, 13 April 1978.

53. In July 1978 the Indian Planning Council, which is an umbrella organization for the four Indian groups, requested that the Special Advisor position, and the new ministerial responsibility for native affairs be terminated. "Natives tell YTG: Quit Meddling," Whitehorse Star, 7 July 1978, p. 1.

54. Erik Nielsen, Progressive Conservative MP for the Yukon, said:

Racial integration as a criterion of maturity is unimportant, the interests of any particular racial group should not be recognized as a matter of principle.

Interview, Whitehorse, 13 April 1978.

55. Jim Smith, Former Commissioner Yukon Territory, Interview, Whitehorse, 7 April 1978.

56. Yukon, Yukon Territorial Government, Meaningful Government for All Yukoners: Report 1975. This was a YTG Position Paper on Constitutional Change.

The YTG suggested that to get native people involved in the Yukon political process four native electoral districts should be superimposed over the twelve general districts. This was one of a number of proposals put foreward to involve Indians in the YTG. In its conclusion the Position Paper notes that the proposed changes, "represent a major concession by the present members of the Territorial Government." p. 52.

Jim Smith, who was Commissioner when Meaningful Government was released, said the proposals were intended to "grease the skids," of Indian involvement in the YTG.

The YTG has recently gerrymandered the four new electoral constituencies in the hope that this will result in an Indian presence in the next YTG Council. There is still some question however, as to whether the Indian organizations will boycott the Fall 1978 Territorial election.

57. The YTG document Analysis and Position: Yukon Indian Land Claims summarizes:

> In brief, it is proposed that Yukon Indians could be offered complete title and resources to 1200 square miles of land, thirty million dollars in cash settlement, assistance in setting up economic development programs, as well as special consideration in existing Yukon Government programs. In exchange they would give up their claims to special continuing rights.

Yukon, Yukon Territorial Government, Analysis and Position: Yukon Indian Land Claim: Report 1974, p. 9.

58. Dan Lang, former YTG Minister of Education said:

"...they can be Indians or Eskimoes after 5 o'clock." Interview, Whitehorse, 11 April 1978.

Jim Smith:

"Indians can and will continue to do things in their homes and lives that reflect their culture." Interview.

59. Interview.

60. Ibid.

61. Willie Joe is the former President of the YNB. Interview, Whitehorse, 4 August 1978.

62. Bobbie Smith is editor of the Yukon Indian News. Interview, Whitehorse. 13 April 1978.

63. Yukon, Yukon Territorial Council, "The Choice," Yukon Indian Land Claims, discussion paper 1975, pp. 6-7.

64. Marie Smallface Marule, "Government Termination Policy: Civilize the Savage-Assimilate Him," Yukon Indian News, 6 June 1978, pp. 8-9.

65. Dave Joe, Interview.

66. Verba, p. 530.

67. Interview, Whitehorse, 10 April 1978.

68. Interview, Whitehorse, 12 April 1978.

69. Interview.

70. Interview. Gordon Steele, YTG Land Claim Administrator, feels that one reason the Indians mistrust the YTG is because they fear the YTG is power hungry. They look at B.C., Quebec, Alberta, and point out the problems Indian people there have in dealing with powerful provincial governments. They fear that the YTG wants to ride on the back of the land claim settlement to gain their own goal of provincial status, and they are right; the YTG feels the land claim settlement and constitutional change must take place in concert. Interview.

71. Interview, Ottawa, 16 May 1978.

72. It was mentioned by some of the respondents that some segments of the white population in the Yukon do not primarily identify with the YTG either. A Federal civil servant living in the Yukon and a Whitehorse professional person both suggested that many Yukon whites do not take the YTG seriously. While it is difficult to determine how widespread this sentiment is, mocking references to the YTG as the 'terrified government' are common. An example of this distrust of the YTG emerged out of the YNB veto of the health care transfer. The 250 or so member Professional Institute of the Public Service which represents the nurses and other professional workers, felt the YNB was justified in vetoing the transfer. PIPS members preferred to stay with the Federal Government because they felt the YTG can't "provide good leadership in its own affairs." They also felt "they had better relations with the natives under the Federal Government then they would have under the YTG."

See, "On Health Transfer Rejection-PIPS BACKS YNB," Whitehorse Star 10 February 1978, p. 3.

73. Cruikshank, p. 16.

74. Ibid., p. 20.

75. "Taylor Says Cut Native Funding," Whitehorse Star, 5 August 1977, p. 8. Don Taylor is the Territorial Councillor for Watson Lake and Speaker of the Council. Taylor will be running in the fall 1978 Territorial election as a member of the Yukon Progressive Conservative Party.

The same sentiment was expressed by the Yukon Progressive Conservative M.P. Erik Nielsen in an interview with the author, 13 April 1978.

76. Ibid.

77. Ibid.

78. See, "Government Immature - Can't Deal With YTG Says YNB Pres."

79. See, "On Health Care Rejection - PIPS BACKS YNB."

80. Yukon, Yukon Territorial Government, Where Does Yukon Fit? Pamphlet, 1978, p. 2.

81. Pye, "Identity and the Political Culture," p. 116.

82. The YTG contracts the services of the RCMP and has its own Department of Justice, although it does not have its own Attorney-General.

83. The Yukon Natives and the Law Committee are charging that "justice was not done," in the trial of Cpl. Ken Munro, the RCMP Officer involved in the Doug Johnson death. The Committee claims there are a number of questions surrounding the death and the trial which remain unanswered. They are actively soliciting support to try and force a new trial.

84. The Indian protesters also said, "this is not the first case in which an RCMP officer's actions have involved the death of an Indian." "Indians Protest About RCMP," Whitehorse Star, 14 February 1978, p. 3.

85. "YTG Ignorant of Special Needs - YNB Wants Own Education Department," Whitehorse Star, 8 February 1978, p. 8.

86. "Burwash Wants Separate Native School," Yukon Indian News, 20 June 1978, p. 1.

87. "Game Branch Harrass Indians Who Hunt - YNB," Yukon Indian News, 23 May 1978, p. 1.

88. Interview, Whitehorse, 14 April 1978.

89. "YANSI Wants Tougher Hunting License Rules," Whitehorse Star, 15 May 1978, p. 2.

90. Verba, p. 529.

91. Ibid., p. 530.

92. Yukon, Yukon Territorial Council, Standing Committee on Constitutional Development for Yukon, Third Report, March 1978, p. 9.

93. That is, how long must one be in the Yukon before one can be considered a Yukoner? The opening remarks of the CYI presentation to the Task Force on National Unity read:

> ...we represent the first Yukoners, all people of Indian Ancestry in the Yukon Territory. We are not only the first Yukoners, we are also the majority of the permanent, non-transient population of the Yukon.

CYI, "Presentation to the Task Force on National Unity," Whitehorse, 6 April 1978, p. 1.

YTG politicians generally suggest that people of Indian Heritage make up about 20-25% of the Yukon's population.

94. "On Constitutional Inquiry: MLA's Reject Federal Proposal," Whitehorse Star, 28 April 1978, p. 2.

95. "CYI Vetoes Constitutional Inquiry Proposal of Feds," Whitehorse Star, 1 May 1978, p. 3.

96. Yukon Indian News journalist Ray Unger has attempted to address this question of the potential for united action. Unger's answer comments on the level of attitudinal integration that presently exists:

> First there appears little chance of a united fight against Ottawa, at least not until the settlement of land claims. Next to no communication takes place between the Indian Center and the Territorial Government Building and the likelihood is that the situation will grow worse before it gets better. Attitudes may not be as hardened as those in Northern Ireland or the Middle East, but there is no doubt that native resentment runs deep. They feel this was their land. It was never sold or given away but they no longer have any control over the decision-making processes. Many non-natives are equally as reluctant to bend, partly because they are opposed to any group of people receiving special status,

partly because they fear what they have worked for may be lost in a claims settlement, partly because those in power do not want to share it.

Ray Unger, Provincial Status for the Yukon? "Not in our lifetime," paper prepared for Political Science 320 course offered by the University of Alberta, at Whitehorse, Yukon, 22 March 1978, p. 10.

97. Tory M.P. Erik Nielsen feels that we either have to accept or reject the electoral process as we know it at the present. He feels guaranteed Indian representation is essentially appointment and he opposes that "on principle." "This is repugnant to our system of democratic elections, and gerrymandered boundaries are in fact guaranteed Indian representation." Interview.

98. There is speculation that a new hydro-electric dam would flood 100 square miles of land including traplines and possibly an Indian village or two. "Plant X Would Flood 100 Square Miles From Eagles Nest Bluff," Whitehorse Star, 15 May 1978, p. 11.

99. "A federal government proposal for a one-man inquiry into constitutional development for the Yukon Territory could create "an apartheid, communistic state," says Dan Lang, the Yukon's minister of education." "Apartheid state in Yukon feared from federal proposal," Edmonton Journal, 10 March 1978, p. D12.

100. "If Fed. Land Policy Continues: MLA's Fear Racially Split Y.T.," Whitehorse Star, 14 March 1978, p. 7.

101. See, "Feds Veto MLA's Bill."

102. Yukon, Yukon Territorial Council, Standing Committee on Constitutional Development, First Report, 1977, p. 5.

103. Ibid.

L.H. Thomas in The Struggle for Responsible Government in the North-West Territories, 1870-1897, traces the evolution of responsible government for the Territory through a series of stages: direct colonial rule from Ottawa; the development of a partially elected council; the development of an executive committee comprised partially of elected members; the establishment of a fully elected legislature, and finally; the establishment of an executive composed of members of the assembly and supported by the majority of that body. In the old North-west Territories the establishment of responsible government in 1897 led to the formation of the provinces of Saskatchewan and Alberta in 1905.

The YTG assumes that the development of responsible government in the Yukon will follow a roughly similiar model, although they hope to attain provincial status at the same time they attain responsible government.

L.H. Thomas, The Struggle for Responsible Government in the North-West Territories, 1870-1897 (Toronto: University of Toronto Press, 1956).

104. Report 1975, p. 45.

105. Second Report 1977, "Proposed Yukon Act," sec. 17.1.

106. First Report, p. 4.

107. See Report 1975, pp. 31-43.

108. Second Report 1977, p. 3.

109. Analysis and Position: Yukon Indian Land Claims, p. 9.

110. CYI, "Presentation to the Task Force on National Unity," p. 1.

111. YNB, "Brief Presentation to the Task Force on National Unity," Whitehorse, 6 April 1978, pp. 1, 4.

112. Ibid., p. 2.

113. Yukon Indians feel themselves to be the exploited victims of an imperial government in the form of the YTG, in the same way the YTG feels itself the exploited victim of an imperial government in the form of the Federal Government.

114. YNB., p. 3.

115. CYI, p. 4.

116. YNB, p. 2.

117. These are the words of the chief Indian land claim negotiator, Dave Joe, "NIB Attacks, Joe Defends," Yukon Indian News, 6 June 1978, p. 4.

118. Ibid.

119. Canada, Department of Indian Affairs and Northern Development, Special Government Representative for Constitutional Development in the Northwest Territories - Terms of Reference, 19 July 1977, p. 16.

Although this remark, like others, is specifically directed towards the NWT the paper itself suggests that much of what the paper says is also applicable to the Yukon.

120. Canada, Department of Indian Affairs and Northern Development, Minister's Special Representative for Constitutional Development in the Yukon Territory - Terms of Reference, March, 1978, p. 1.

121. "Trudeau Kills Provincial Status."

122. NWT Terms of Reference, p. 5.

123. From a conversation with a senior Federal Official who asked not to be quoted.

124. The specifics of just how far Ottawa is willing to go in granting Indian control over normally provincial jurisdictions in unclear at the moment, as they are presently being discussed in the land claim negotiations.

On this matter the Yukon Special Representative - Terms of Reference indicates, very generally, some features Ottawa seems willing to consider:

iii) review of the allocation of responsibilities between the Territorial Government and local Government bodies;

iv) statutory and other safeguards for native interests, including language, culture and traditional pursuits;

v) arrangements for promoting native participation in government at various levels, including electoral residency requirements, constituency boundaries, a municipal ward system, representation on subsidiary bodies and employment in the public service;

vi) institutionalized arrangements for jointly-planned economic development.

Yukon Terms of Reference, p. 2.

125. Ken Marchant, a Constitutional Lawyer, and Hugh Faulkner's Advisor on Constitutional Development stated:

> Provincial status now would leave out a significant percentage of the people. The direct trajectory to provincehood as proposed by the YTG Constitutional Development Committee does not recognize pluralist diversity.

Interview, Ottawa, 19 May 1978.

126. Ibid.

"The major axis I see in the Yukon at the moment is one of racial polarization, with an extreme group on each end of the racial spectrum. If a territorial level solution is to be found (which is what provincehood implies) then it must be a solution which utilizes the middle. This can only take place if it is in the economic interest of both middle groups to co-operate. Land is the key which can bring this about for both communities and the key to deciding the land question is a land claim settlement."

127. The National Progressive Conservative Party announced in late 1977 that they would be willing to grant provincehood within their first term of office. A rider was later attached stating that provincehood would only be granted if Yukoners wanted it. It is interesting to note how Yukoner's opinion on whether or not "they want it" will be determined. According to Yukon Tory M.P. Erik Nielsen the opinion of the people will not be decided by a referendum but rather by a vote in the Territorial Council.

Interview.

According to one pro-provincialist group, the newly formed Yukon Progressive Conservative Party (YPCP), Yukoners will make their choice on provincial status in the fall 1978 Territorial election, in which the YPCP will campaign on a provincial status platform. If there is a Tory government elected federally in the next election and if the YPCP wins a majority of seats in the Territorial Council or coalesces with other pro-provincialists to form a majority, then - given the Conservative's mechanism for deciding if Yukoners want provincial status, that is, a vote in the Council - provincehood could, theoretically, soon be a reality.

128. Verba, p. 529.

129. "Miners Attack Faulkner," Whitehorse Star, 19 July 1978, p. 1.

130. "In the light of the federal statement that there will be a "broad equity" of land settlements, the Chamber estimates that if the Inuvialuit population of 2,500 is used as a guide, the Yukon's 5,000 to 7,000 native may end up with "half the Yukon!"

Ibid.

131. "Miners Told to Wait for Federal Paper on Northern Minerals," Whitehorse Star, 19 July 1978, p. 2.

132. "Adverse Effect on Mining," Whitehorse Star, 7 July 1978, p. 3.

133. "The Chamber is also angry because of a lack of "developer" representation on the boards that will be set up to issue land permits for mineral exploration after any land claims settlement within the Yukon. The present federal proposal is to have these staffed by government and native representatives."

"Miners Attack Faulkner."

134. At least one Yukoner, the editor of the Whitehorse Star, Jim Beebe, is wise to the industries political gamesmanship:

...Remember during the NDP years in B.C. when the mining industry said it was being run out of business and asked the voters for a government it could live with? Now we hear the same spiel about the Socred Government. Two-faced? Sure, but its all part of pressing for everything you can get, all the time. There's a lesson for us: if and when the Yukon controls its own mineral wealth, we should

...Remember during the NDP years in B.C. when the mining industry said it was being run out of business and asked the voters for a government it could live with? Now we hear the same spiel about the Socred Government. Two-faced? Sure, but it all part of pressing for everything you can get, all the time. There's a lesson for us: if and when the Yukon controls its own mineral wealth, we should feel free - indeed obligated - to get everything we can for them, on a straight economic basis, and ignore the industry's political posturing.

"Don't Put Your Hope in COPE," Whitehorse Star, 18 July 1978, p. 4.

135. "The Land Claims Package: An Assessment."

136. "There is no Territorial Government service to date that really has any feeling for Yukon Indians. The Yukon Indian people continue to come out last in every issue."

"Two Government System," Yukon Indian News, 27 September 1977, p. 2.

137. Weiner, pp. 189-190.

SELECTED BIBLIOGRAPHY

Books and Articles

Binder, Leonard; Coleman, James S.; LaPolombara, Joseph; Pye, Lucien W.; Verba, Sidney; and Weiner, Myron. Crises and Sequences in Political Development. Princeton: Princeton University Press, 1971.

Canadian Arctic Resources Committee. Northern Transitions, Volume Two: Proceedings Second National Workshop on People, Resources, and the Environment North of 60°. Edited by Robert F. Keith and Janet B. Wright. Edmonton, 20-22 February 1978.

Fingland, F.B. "Administration and constitutional changes in Arctic Territories: Canada." In The Arctic Frontier, pp. 130-159. Edited by R. St. J. Macdonald. Toronto: University of Toronto Press, 1966.

_____."A Critical Review of Constitutional and Political Development in Northwestern North America." Science in the North, Proceedings Nineteenth Alaska Science Conference, Whitehorse, 1968.

_____."Recent Constitutional Developments in the Yukon and the Northwest Territories." University of Toronto Law Journal 15 (1966): 299-316.

Lysyk, Kenneth M.; Bohmer, Edith E.; and Phelps, Willard L. Alaska Highway Pipeline Inquiry. Ottawa: Supply and Services Canada, 1977.

Morrison, D.R. The Politics of the Yukon Territory, 1898-1909. Toronto: University of Toronto Press, 1968.

Pye, Lucien W. Aspects of Political Development. Toronto: Little, Brown and Co., 1966.

Pye, Lucien W., and Verba Sidney., eds. Political Culture and Political Development. Princeton: Princeton University Press, 1965.

Thomas, L.H. The Struggle for Responsible Government in the North-West Territories 1870-97. Toronto: University of Toronto Press, 1956.

Usher, P.J. "The Class System, Metropolitan Dominance and Northern De-Development in Canada." Antipode 8 (September 1976): 28-32.

Government Documents

Canada. Department of Indian Affairs and Northern Development. Minister's Special Representative For Constitutional Change in the Yukon Territory - Terms of Reference: March 1978.

Canada. Department of Indian Affairs and Northern Development. Special Government Representative For Constitutional Development in the Northwest Territories - Terms of Reference: July 1977.

Canada. Department of Indian Affairs and Northern Development. Socio-Economic Baseline Data Inventory of The Yukon Territory. Ottawa: Supply and Services Canada, 1977.

Yukon. Commissioner. Annual Report 1977.

Yukon. Yukon Territorial Council, Development for Yukon. Standing Committee on Constitutional First Report, 1977.

Yukon. Yukon Territorial Council, Development for Yukon. Standing Committee on Constitutional Second Report, 1977, "Proposed Yukon Act."

Yukon. Yukon Territorial Council, Development for Yukon. Standing Committee on Constitutional Third Report, March 1978.

Yukon. Yukon Territorial Council. Yukon Indian Land Claim. Discussion Paper 1975.

Yukon. Yukon Territorial Government. Where Does Yukon Fit? Phamplet 1978.

Yukon. Yukon Territorial Government. Analysis and Position Yukon Indian Land Claim: Report 1974.

Yukon. Yukon Territorial Government. Meaningful Government for All Yukoners: Report 1975.

Yukon. Yukon Territorial Government. Main Estimates For the Fiscal Year 1978-79.

Interviews Conducted by Author

Banks, John. Canadian Arctic Resources Committee. Ottawa. 19 May 1978.

Birckel, Paul. Former Chief Administrative Office, Council for Yukon Indians. Whitehorse. 4 April 1978.

Bohmer, Edi. Foothills Pipeline Co., former Member, Alaska Highway Pipeline Inquiry. Whitehorse. 10 April 1978.

Carruthers, Jeff. Toronto Globe and Mail. Ottawa. 18 May 1978.

Fraser, Max. Former editor, Whitehorse Star. Whitehorse. 12 April 1978.

Gamble, Don. Canadian Arctic Resources Committee. Ottawa. 19 May 1978.

Gillespie, Peter. Policy Division, Department of Indian Affairs and Northern Development and a former Assistant Commissioner for the Yukon. Ottawa. 18 May 1978.

Halliday, Sally. CBC Radio, Whitehorse. Whitehorse. 19 April 1978.

Hibberd, Jack. Member, Yukon Territorial Government Executive Committee. Whitehorse. 13 April 1978.

Hobson, Ron. Associate Chief, Territorial Division, Department of Indian Affairs and Northern Development. Ottawa. 16 May 1978.

Hougen, Rolph. Yukon Businessman. Whitehorse. 14 April 1978.

Hoyt, John. The Honourable Hugh Faulkner's Special Assistant For the North. Ottawa. 16 May 1978.

Joe, Dave. Chief Land Claim Negotiator, Council for Yukon Indians. Whitehorse. 14 April 1978.

Joe, Willie, Former President, Yukon Native Brotherhood. Whitehorse. 4 April 1978.

Johnson, Daniel. Council For Yukon Indians Land Claim Negotiator, and former Chairman, Council for Yukon Indians. Whitehorse. 5 April 1978.

Lang, Dan. Former Member, Yukon Territorial Government Executive Committee. Whitehorse. 11 April 1978.

Lengerke, Walt. Chairman, Yukon Territorial Council Standing Committee on Constitutional Development. Whitehorse. 5 April 1978.

McKinnon, Ken. Member, Yukon Territorial Government Executive Committee. Whitehorse. 6 April 1978.

Marchant, Ken. The Honourable Hugh Faulkner's Advisor on Constitutional Development. Ottawa. 19 May 1978.

Milliard, Eleonor. Member, Yukon Territorial Government Executive Committee. Whitehorse. 15 April 1978.

Naysmith, John. Federal Negotiator Yukon Indian Land Claim, Office of Native Claims. Ottawa. 17 May 1978.

Nielsen, Erik. Progressive Conservative Member of Parliament for Yukon. Whitehorse. 13 April 1978.

Pearson, Art. Commissioner, Yukon Territory. Whitehorse. 14 April 1978.

Smith, Bobbie. Editor Yukon Indian News. Whitehorse. 13 April 1978.

Smith, Elijah. Council for Yukon Indians Land Claim Negotiator and former Chairman, Council for Yukon Indians. Whitehorse. 12 April 1978.

Smith, Jim. Former Commissioner, Yukon Territory. Whitehorse. 14 April 1978.

Steele, Gordon. Yukon Territorial Government Land Claim Administrator. Whitehorse. 5 April 1978.

Tatarya, Lloyd. National Indian Brotherhood. Ottawa. 19 May 1978.

Unger, Ray. Journalist, Yukon Indian News. Whitehorse. 6 April 1978.

Wabisca, Dorthy. Special Advisor to the Commissioner on Native Affairs, Yukon Territorial Government. Whitehorse. 10 April 1978.

Webber, Bill. President, Yukon Association of Non-Status Indians. Whitehorse. 12 April 1978.

Weick, Ed. Pipeline Planning Division, Department of Indian Affairs and Northern Development. Ottawa. 19 May 1978.

Whyard, Flo. Member, Yukon Territorial Government Executive Committee. Whitehorse. 12 August 1977.

Newspapers

"Apartheid state in Yukon feared from federal proposal." Edmonton Journal, 10 March 1978, p. D12.

Whitehorse Star, January 1975-August 1978.

Yukon Indian News, January 1975-August 1978.

Theses and Other Papers

Council for Yukon Indians. Presentation to The Task Force on National Unity. Whitehorse. 6 April 1978.

Chrêtien, Jean. Northern Canada in the 70's. Report of the Minister of Indian Affairs and Northern Development. 20 March 1972.

Cruikshank, Julie. "Myths and Futures in the Yukon Territory: the Inquiry as a Social Dragnet." Paper presented to the Association for Canadian Studies, University of Manitoba, Winnipeg, 16 May 1978.

Dacks, Gurston. "Integration, Federalism and Authority: The Canadian Case." Ph.D. dissertation, Princeton University, 1975.

Faulkner, Hugh J. Notes for a Speech by the Minister of Indian Affairs and Northern Development to Northwest Territories Council Opening Session. 20 January 1978.

Hillson, J.D. "Constitutional Development of The Yukon Territory 1960-1970." M.A. Thesis, University of Saskatchewan, 1973.

Smallface Marule, Marie. "The Canadian Government's Termination Policy (from 1969 to the Present Day)." Paper prepared for "One Century Later," the 9th Annual Western Canadian Studies Conference, University of Calgary, Calgary, 18-19 February 1977.

Sproule, David. "Provincial Status for The Yukon." Paper prepared for a Political Science 442 Course at the University of Alberta, Edmonton, 21 March 1978.

Yukon Native Brotherhood. Presentation to The Task Force on National Unity. Whitehorse. 6 April 1978.

Yukon Native Brotherhood. Together Today for Our Children Tomorrow. Whitehorse. 1973.